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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

DAVID MASSON, LL.D.,

PROFESSOR OF RHETORIC AND ENGLISH LITERATURE IN THE UNIVERSITY OF EDINBURGH.

VOL. VI.

A.D. 1599—1604.

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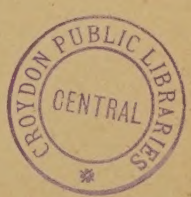

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INTRODUCTION.

THE range of the present volume is from the 1st of June 1599 to the 31st of March 1604. In other words, it includes the last three years and ten months of the residence of James VI. in Scotland and the first year of his continued Scottish reign after he became James I. of England. The extant materials, in the shape of official record, for this period, of somewhat less than five years in all, are more voluminous than those for any preceding period of the same length, and much more voluminous than might be supposed from the space usually assigned to the period in Histories of Scotland. Hence, in this volume, as compared with its predecessors, the smaller proportion of the time gone over to the bulk of the matter in pages.

To the statement that the extant official material for the present volume is unusually voluminous there is one exception. It affects that portion of the main body of the Acts and Decrees of the Council which extends from p. 554 to p. 605, or from February 28, 1603, to March 31, 1604. For these thirteen months the main Acts and Decrees of the Council are represented in our volume, it may be observed, by only 61 printed pages, whereas there ought to have been about 160 pages if there had been due proportion to the representation of the main Acts and Decrees for the preceding three years and nine months. The reason is that these 61 pages have not been derived, like the preceding 544, and like all the rest of the volume after p. 605, from the original documentary material now preserved in the Register House, but have had to be supplied almost entirely from other sources. That has been rendered necessary by an unfortunate

hiatus in the preserved series of volumes containing the original Minutes of the main proceedings of the Council. Two large folio MS. volumes, containing the original minutes from February 28, 1603, to August 7, 1606, are not now extant. From a preserved "Inventar of the Registers of Counsell" it appears that they were certainly in existence as late as October 1667; from a marginal note to this "Inventar," in a considerably later hand, it may be inferred that one of the volumes, carrying on the minutes from February 28, 1603, to March 18, 1605, was missing before the middle of last century; and the other volume, containing the minutes from March 18, 1605, to August 7, 1606, must have disappeared at some time much beyond living memory. The probability is that, in the old days of laxer guardianship of such records, both volumes were taken out, with official leave, or for official use, and never returned. By a curious chance, some stray leaves of the second of the missing volumes were recovered by the late Mr David Laing; and these fragments, duly restored by him to the Register House, are the sole relics of that volume now known to exist. The other volume, it is to be feared, is lost entirely and irrecoverably; and, as it would have been from that volume, had it been in existence, that we should have derived those Acts and Decrees of the Council for the thirteen months from February 28, 1603, to March 31, 1604, which we have been obliged to represent less perfectly by the 61 pages of our present text between p. 544 and p. 605, it is proper here to explain whence we have obtained the substitute.

On reference to the inner margins of the 61 pages in question, it will be found that about two of the pages (pp. 596–597 and p. 605) are derived from *Royal Letters*, about two more (pp. 600-601) from a certain *Minute Book of Processes*, and all the rest from a quarter described as *The Haddington MS. Excerpts.* The *Royal Letters* and the *Minute Book of Processes* are among the documentary materials belonging to the Register House itself,—the former, as the name implies, consisting of copies of letters from the King in England to the Privy Council of Scotland, or to some leading member of the Council, while the other

consists of lists of judicial cases before the Council from 1604 onward, made out from the original Register for some official purpose after 1631. It is the phrase *The Haddington MS. Excerpts* that requires more particular explanation.

One of the most celebrated of the Scottish councillors and ministers of James VI. from 1596 onwards, and of Charles I. for a portion of his reign, was that Thomas Hamilton of Drumcairn whom we have known hitherto only as King's Advocate. A distinguished lawyer since about 1587, and an Ordinary Lord of the Court of Session since 1592, he had been appointed to this office of King's Advocate in January 1595–6, when he was chosen by James to be one of the peculiarly constituted Ministry of "The Octavians" (see Introd. to vol. v., p. xliv.). This office he had retained ever since, and it is in this office that he still figures throughout our present volume. But he was to rise higher, and to be farther known under various changes of name and title. Before our volume closes he was Sir Thomas Hamilton of Markland, Knight. In 1612 he was to exchange his office of King's Advocate for that of Clerk of Register, and this office again for that of Secretary of State. In 1613 he became a peer, by the title of Lord Binning and Byres; and in 1619, still holding the Secretaryship, and promoted meanwhile also to the Presidency of the Court of Session, he became Earl of Melrose. In 1626, the first year of the reign of Charles I., he resigned his offices of Secretary of State and Lord President of the Court of Session, and accepted that of Lord Privy Seal; in August 1627 he dropped his title of Earl of Melrose, and had leave to assume instead the title of Earl of Haddington; and in 1637 he died, at the age of seventy-four. In the Scottish Peerage he is generally remembered now as the first Earl of Haddington; but in Edinburgh tradition there adheres to him the jocular name of "Tam o' the Cowgate," bestowed upon him at a much earlier period of his varied official career. What concerns us here is that, through the whole of that career, he was a diligent custodier of papers relating to the business of his offices and a diligent collector of Scottish historical records, and that portions of his collections, left at his death, are now in the Library of the

Faculty of Advocates in Edinburgh. Thence were derived, for example, the two quarto volumes of documents, relating to the reign of James VI. from 1599 onwards, published in 1837 for the Abbotsford Club under the title of *State Papers and Miscellaneous Correspondence of Thomas, Earl of Melros.* In the same repository are two MS. volumes, once belonging to the same "Tam o' the Cowgate," which fortunately contain excerpts made by his direction, and for some purposes of his own, from those very volumes of the original Register of the Scottish Privy Council which are now missing. One of the volumes contains a rough clerkly transcript, jotted with marks and notes in Hamilton's own hand-writing, of selected Acts of the Council from March 1603 onwards, with titles and descriptions of certain other Acts from the same date. The other is a kind of clean copy of the same, but further abridged by the retention only of the titles or rubrics of some of the Acts fully transcribed in the former or rough copy. It is from the rough or earlier copy, as being the most direct from the missing original, that we have taken the bulk of pp. 545–605 of our text, the cleaner and more abridged copy containing no independent matter, and having been used therefore only for verbal collation. In dealing with the rough copy, also, it has been deemed best to attempt no editorial condensation whatever, but to give the whole matter of the MS., whether text or rubric, exactly as it stands, only distinguishing by inverted commas those portions of the text which are evidently full transcripts from those which are evidently mere abstracts or descriptions, and inserting any words of explanation or addition, whether in text or in rubric, within brackets. The matter of the MS., supplying as it does thirteen months of a lost original, seemed too precious for any other mode of treatment. Precious as it is, it consists only, it must be remembered, of those Acts and of abstracts of those Acts which Hamilton thought most important or interesting. How much more the original contained we have no means of knowing; nor, though there may be a fair presumption that what Hamilton selected was in general the most significant historically, can we be sure that this was always the case, or that he did not omit

much as insignificant to him and his contemporaries which would have been by no means insignificant now.

After this preliminary explanation as to the special authorities for the matter of the text from p. 544 to p. 605, and with the farther explanation that all the rest of the volume has been prepared from the original records of the Council now in the Register House on exactly the same principles of editing as have regulated preceding volumes,—to wit, complete transcript of all very important or interesting Acts, proportional representation of others by abstract and abridgment, and rigorous preservation in every Act or entry of all the proper names recorded in it, however numerous,—we may proceed to indicate generally the contents of the present volume as they illustrate the History of Scotland through the period to which they refer.

The period as a whole may be designated THE CHANCELLORSHIP OF MONTROSE CONTINUED. What that means may be understood by referring to pp. lxxxi–xcii of the Introduction to last volume. It was there explained how, in December 1598, by an Act of a Convention of Estates, the Privy Council was reconstituted, so as to consist of thirty-one or thirty-two members, fifteen of them peers and two of them eldest sons of peers, under the Presidency of the Earl of Montrose, and how, in the following month, the Earl was raised from this mere Presidency of the new Council to the higher dignity of the full Chancellorship of the Kingdom with the Presidency of the Council included. The names of all the new Councillors were given, with an account of the rates of the attendance of those of them who did serve effectually during the first five months and a half of the new Presidency and Chancellorship, and an account also of some changes, both in the Ministry and in the body of the Council, that occurred during those five months and a half. Assuming these changes as already made, our present volume starts with the following as the composition of the Council in or about the fifth month of Montrose's Chancellorship:—

MINISTERIAL MEMBERS.—John Graham, Earl of Montrose, CHANCELLOR; Alexander Elphinstone, Master of Elphinstone, *Treasurer;* James Elphin-

stone, his brother, *Secretary;* Sir David Murray of Gospertie, *Comptroller;* Sir John Preston of Fentonbarns, *Collector*; Sir John Skene, *Clerk of Register;* Sir Richard Cockburn of Clerkington, *Privy Seal;* Sir John Cockburn of Ormiston, *Justice-Clerk;* Thomas Hamilton of Drumcairn, *King's Advocate;* Mr Peter Young, *Almoner.*

Effective Councillors without Ministerial Office.—Ludovic Stewart, Duke of Lennox; William Douglas, Earl of Angus; John Erskine, Earl of Mar; John Kennedy, Earl of Cassillis, ex-Treasurer; Alexander Livingston, Lord Livingston; Andrew Stewart, Lord Ochiltree; Mark Ker, Lord Newbattle; Alexander Seton, Lord Fyvie, President of the Court of Session; Edward Bruce, Commendator of Kinloss; Sir Robert Melville of Murdocairny; Peter Rollock, Bishop of Dunkeld; Walter Stewart, Prior of Blantyre, ex-Treasurer; Sir William Stewart of Traquair; Sir George Home of Spott; Sir John Carmichael; Sir Robert Ker of Cessford.

Nominally of the Council, but hardly attending.—George Gordon, Marquis of Huntly; James Cunningham, Earl of Glencairn; Robert Seton, Lord Seton; John Fleming, Lord Fleming.—To these may be added Archibald Campbell, Earl of Argyle, and James Hamilton, Master of Paisley, who, though nominated of the Council by the Act of Convention of December 1598, had not yet taken their places.

This table, representing the composition of the Council at or about the date of the commencement of the present volume, holds good for all the four years and ten months of that Continued Chancellorship of Montrose which the volume includes, save for such changes as were caused during that lapse of time by deaths, resignations, or new appointments. These, or the most important of them, will be noted in their order.

Regarding our present period of Scottish History as a whole —*i.e.*, the period from June 1599 to March 1604—there is one general impression so sure to be received from a due study of the Privy Council records now made public that it may be unhesitatingly announced at the outset. It is that at no previous period of the reign of James VI. was he so much the master of his native kingdom, and of all ranks and classes in it, as in those last few years of his resident sovereignty within its bounds and the following first year of his government of it from his new position on the throne of England. In preceding volumes, and especially in the last, we have seen the growth in James's mind of that peculiar idea of kingship or sovereign authority which

he took such pleasure in expressing in his speeches and writings, as if avowedly to disown the doctrine inculcated upon him in his youth by his old preceptor Buchanan, and left on record by that scholar in his *De Jure Regni apud Scotos*. We have seen also the progress of the King's efforts to realise the idea in his own practice. The progress had been most conspicuous since October 1595, when the death of Lord Thirlstane, after a Chancellorship and Premiership of more than eight years, left James, then in his thirtieth year, with the reins for the first time fully in his own hands. But the most marked date of all in the progress of James to the absolute kingship on which he had set his heart had been the famous 17th of December 1596. The tumult of that day in Edinburgh, occasioned by a demonstration of the clergy and citizens on behalf of the rights of Presbytery and the independence of the Scottish pulpit, as represented in the case of Mr David Black of St Andrews, had given James the opportunity he had long desired of dealing energetically with those of his subjects who had been all along the most formidable antagonists to his notion of royal supremacy, and the most strenuous upholders of the opposite theory of Limited Monarchy. By dexterous management of this opportunity, which occurred in the last days of the short Government of the Octavians, and by perseverance in a most resolute policy of self-assertion through the two following years, James had reduced the Scottish clergy, if not yet the Presbyterian system of the Kirk itself, to a state of almost complete subjugation to his own will and decrees. Such had been the condition of things when the Chancellorship of Montrose began; and such it was to continue to be through all the rest of Montrose's Chancellorship. The first and most general impression to be derived from a perusal of the records in the present volume is, we repeat, that in no previous period of James's reign had Scottish affairs been brought into such a routine of submission to the royal authority; and a question sure to force itself on the reader in connection with that fact is the question how far this general appearance of more easy-going routine than heretofore may have been owing to the success that had attended James recently in his dealings with the Scottish

clergy in particular. Certain it is that, from the beginning of the volume to the end, one notes how completely the clergy had been silenced or brought under curb, and to what small dimensions their political influence had been reduced. One notes how little James and his ministers were now turned aside from any course on which they were bent by reclamations from the Kirk or by questions of ecclesiastical polity, and what unusual leisure they consequently had for matters of ordinary secular administration. The impression, however, though felt at the very beginning of the volume, becomes stronger as one proceeds, so as to have the effect of a kind of *crescendo* through the whole. Hence, for further indication of the contents of the volume, it may be well to divide the entire period which it embraces, and which we have named THE CONTINUED CHANCELLORSHIP OF MONTROSE, into chronological sections. The most suitable division will perhaps be as follows:—I. *From June* 1599 *to August* 1600, or from the Fifth Month of Montrose's Chancellorship to the Gowrie Conspiracy; II. *From August* 1600 *to March* 1603, or from the Gowrie Conspiracy to the Accession of James to the English Throne; III. *From March* 1603 *to March* 1604, or First Year of the Union of the Crowns.

1. FROM JUNE 1599 TO AUGUST 1600.

First of all, in this section of fourteen months, ought to be noted the important ordinance of Council, of date 17th December 1599, by which New Year's Day in Scotland was changed from the 25th of March, as had been the custom till then, to the 1st of January, as now. The ordinance will be found in full at p. 63. The change, which took effect immediately, by converting what would otherwise have been the "1st of January 1599" into the 1st of January 1600, was convenient in so far as it reconciled the Scottish reckoning of the year with the Continental, but inconvenient in so far as it introduced a discrepancy, which lasted till 1752, between the Scottish reckoning and the English. Till 1752 the 25th of March continued to be, for most purposes of dating, the first day of the New Year in England, while in

Scotland the New Year had been counted from the 1st of January, as by the present ordinance, ever since 1600. Hence great caution is necessary, as between Scotland and England, with respect to the dating of any event from 1600 to 1752 which occurred on any day between the 31st of December and the 25th of March. But for such caution, for example, a person reported in English records as having died on the 24th of March in some particular year through the specified period might be found in Scottish records apparently alive and well nearly a year afterwards.

Appertaining, in one way or another, to matters of Church and Religion, or to individual clergymen, are entries at p. 19, p. 22, pp. 28–29, p. 34, p. 39, pp. 41–42, pp. 53–54, p. 78, p. 79, p. 97, pp. 108–109, and pp. 126–127. See also footnotes pp. 7–8, pp. 34–35, p. 42, p. 44 (Ecclesiastical Conference at Holyroodhouse), and pp. 94–95 (General Assembly at Montrose in March 1600). In these entries and footnotes, taken in their series, the reader will find the incidents of chief note in the history of the Scottish Church through the fourteen months now under view, with sufficient illustration of the state of subjection to the civil power to which the clergy in general had by this time been reduced. In several of the entries the Privy Council will be found interfering with Presbyteries or other ecclesiastical judicatures and discharging them from further proceedings in cases of discipline; in one (pp. 28–29) the King will be found proroguing by his own authority a meeting of the General Assembly; and in another (p. 34) there is a glimpse of the prosecution of a Fifeshire clergyman, Mr John Dykes, for the part he had taken in a recent Synod at St Andrews. For the particulars of this last case see footnote at the page cited. The most interesting of the entries, however, are those at p. 39 and pp. 41–42, telling the story of a dispute between the King and the ministers and kirk-sessions of Edinburgh in November 1599 on the subject of the performance of stage-plays in the town by a company of English comedians then on a visit to Scotland. The King having granted his licence for the performances, and the kirk-sessions, on the other hand, having passed an Act forbidding the lieges to

resort to the performances under pain of ecclesiastical censure, and requiring the ministers to admonish their flocks on the subject from the pulpit, His Majesty is found standing forward most resolutely as the champion of the insulted drama, and actually compelling the kirk-sessions to rescind and annul their own Act, and to cause their ministers to apologise publicly for their mistake. Three or four years earlier such a course of dealing with the Edinburgh clergy would hardly have been possible.

Of Acts of a general nature for more rigorous administration perhaps the most important during the fourteen months are that at p. 53 relating to the harbouring of suspicious characters in Edinburgh and to a plot or conspiracy against the Councillors, that at pp. 56–59 calling to account the Sheriffs of Roxburgh, Berwick, Selkirk, and Peebles, the Act at p. 68 in continuation of the same charge, the Act on the same page appointing a commission to consider the means of more effective concurrence of the lieges with the Sheriffs and Magistrates, the renewed charge to Sheriffs at p. 69, the Act at pp. 98–99 for enforcing previous Acts against strong and idle beggars, "being for the maist pairt thevis, bairdis, and counterfute lymmaris," and for sustentation of the really poor and impotent, and the Act at pp. 132–133 relative to the registration of sasines. Too numerous for complete mention are the special Acts which illustrate the King's perseverance in his policy for the suppression of lawlessness in the form of feuds between great families and convocations of men in arms in maintenance of these feuds, or in the form of private combats and "tulyies" and illegal carrying of pistols and other fire-arms. By way of specimen, see the Act at pp. 61–62 denouncing certain persons for illegal convocation in arms at Falkland, the discharge at p. 65 of a private combat threatened between two lairds, the charges on the same page to parties at feud to find assurances for mutual peace, the Act at pp. 77–78 against "tulyies" within a mile of the royal residence, the Acts anent certain feuds at pp. 83–84, that for the warding of Sir Robert Gordon younger of Lochinvar at p. 87, the Act at pp. 97–98 for enforcing the laws against single combat, that at p. 102 for punishing a culprit on this account, and the series of Acts

relating to the great feud between the Lindsays and the Ogilvies at p. 91, pp. 95–96, pp. 105–107, pp. 113–114, pp. 119–120, and p. 138. In connection with this last feud see also the Acts of Caution at pp. 639–642, p. 653, and p. 656. But, indeed, the whole series of the Acts of Caution for the fourteen months (pp. 609–660), as well as the series of judicial cases in the main record through the same period (pp. 1–142), yield abundance of details in proof of the energy of the King and Council, now as before, in trying to establish law and police in all parts of the kingdom.

As usual, the Borders and the Highlands were the regions that gave most trouble. For the Border History of the fourteen months see especially pp. 1–3, p. 4, p. 13, p. 17, p. 27, p. 28, pp. 31–32, p. 33, pp. 37–38, pp. 44–49, p. 63, p. 66, p. 76, pp. 79–80, p. 108, pp. 114–116, pp. 117–118, pp. 121–123, pp. 127–128, pp. 136–138, p. 658, and pp. 823–824, together with a number of the *Miscellaneous Papers* (some of them full of information) between p. 838 and p. 857. The persons who chiefly figure in these entries are the Earl of Angus, as Lieutenant for the time over the whole of the Borders, Sir John Carmichael, as Warden of the West March from December 1599 onwards, Lords Maxwell and Herries, and the Lairds of Johnstone and Drumlanrig. Particulars will be found, however, about most of the Border clans, and about many individual Borderers of note in their day. A peculiarly memorable incident was the murder, by a gang of the Armstrongs, of Sir John Carmichael, about six months after he had assumed the Wardenship of the West March, and while he was in the actual performance of the duties of his office. The precise date was June 16, 1600; from which date, accordingly, the name of Sir John Carmichael is to be understood as deleted from our list of the Councillors through the continued Chancellorship of Montrose. He was succeeded in the Wardenship of the West March by Lord Herries (p. 117). On the whole, though the vigorous Lieutenancy of the Earl of Angus seems to have made considerable impression on the Border districts, the native elements of disorder in those districts continued to tax all the strength of the central authority, more especially in the West March, where there still raged the feud between the Maxwells and the

Johnstones. The measure of success was naturally even less in the Highlands. The first entries relating to the Highlands occur at pp. 4–5; after which comes, at pp. 8–10, the important Act constituting the Duke of Lennox and the Marquis of Huntly jointly His Majesty's lieutenants and justiciaries in the northern parts, with special charge of the great project still on hand for the colonisation of the Island of Lewis. The "Instructions" for the two Lieutenants will be found among the *Miscellaneous Papers* at pp. 837–838. For subsequent Acts concerning the Highlands generally, or concerning special districts and clans or chiefs of clans there, see p. 20, pp. 24–25, pp. 45–46, p. 50, pp. 69–70, pp. 72–73, p. 78, pp. 80–81, p. 84, p. 87, pp. 89–91, pp. 92–93, pp. 99–100, p. 101, p. 105, p. 108, p. 109, p. 111, pp. 112–113, p. 127, pp. 130–131,—consulting also the Acts of Caution for the corresponding stretch of time, and the special Acts for the Borders and the North at pp. 823–824. From some of the entries mentioned it will appear that the King, not relying entirely on the Lieutenancies of Lennox and Huntly in the parts of the Highlands assigned to them, nor on bonds and promises for good order from some of the Highland chiefs, was bent for a while on another expedition in his own person to Kintyre and the West Highlands, but abandoned the enterprise after preparations for it had been proclaimed. Others of the entries bring out the ominous fact that of all the Highland clans the Macgregors were now the objects of most unremitting attention on the part of the Government. While other more distant clans were lawless enough, the lawlessness of the Macgregors of the Lochlomond country is, whether from their comparative nearness or for other reasons exposing them to special dislike, the most heard of in the Privy Council records; and, while we have but glimpses of Mackenzie of Kintail, or Macleod of Dunvegan, or some other of the greater chiefs, as moving about in their distant parts of the map, hardly to be reached by Government commands or missives, the poor chief of the Macgregors, Alexander Macgregor of Glenstrae, is kept constantly in our sight, walking hither and thither over his more accessible tract of territory, pursued by summonses to appear or to give securities for himself and his men. Of the various

entries relating specially to the Macgregors in the above-noted series the most strongly worded is that at pp. 72–73. In the entries at pp. 89–90 we find the chief of the Macgregors in prison for the while in Edinburgh Castle.

Relating to manufactures, trade, and matters of commercial economy, the chief Acts of the fourteen months are those which will be found at pp. 16–17 (herring, salt, &c.), p. 18 (Eustacius Roche), pp. 32–33 (English cloth), p. 36 (monopoly of heraldic painting), p. 43, p. 62 (price of wines), p. 77 (export of wool and import of cloth), pp. 81–82, pp. 85-86, p. 98, p. 101 (lead mines), p. 102, p. 107 (import of silver), pp. 123–124 (cloth manufacture in Scotland), p. 132, pp. 135-136 (customs on English cloth). Decidedly the most interesting of these Acts is that at pp. 123-124, concerning cloth manufacture in Scotland. The Act is nothing less than a proposal to improve, or rather to establish, a home-manufacture of cloth out of the native wool so as to supersede the necessity for exporting the wool as heretofore and importing cloth in return. For this purpose, "and becaus that the unskilfulnes of our awin people heirtofoir, togidder with the unwillingnes to suffer ony strangeris to cum amangis thame, hes bene ane of the caussis that hes hinderit this guid work," it is enacted that there shall be full power and liberty for a hundred foreign families, "being cloth-wirkeris of thair tred," to settle in Scotland, and that, for the encouragement of such to come and settle, they shall have the privilege of bringing with them a pastor to preach to them in their own language, provided his doctrines agree with the Established Protestant religion, with the privilege also of immediate naturalisation and admission to the rights of burgesses on their arrival, and with exemption for ten years from all taxes and other burdens imposed on the rest of the lieges. What success attended this Act does not appear within our present bounds of time. In most of the other Acts referred to, and also in an Act at pp. 20-22, which may be associated with them, inasmuch as it relates to the punishment of usury, and to measures for "extirpating and ruiting oute of sic ane haynous, pestiferous, and intollerable cryme and sin furth of this realme," one discerns the spirit of the

old Political Economy, with its remorseless faith in government prohibitions and regulations. Occasionally, however, there are gleams of a perception of the advantages of free trade and individual liberty of action. For example, at p. 36, where the matter is a dispute between two rival craftsmen in Edinburgh as to a monopoly, by the King's gift, in the art of painting the arms and funeral escutcheons of knights, lords, earls, and other noblemen, the Council are found dismissing both parties with the very sensible conclusion that both their gifts had been "inconsideratlie grantit," and that such of the lieges as should in future require painted coats of arms, or anything of the sort, should have leave to "mak chois of ther awne craftismen as thay may be had best and best chaip," *i.e.*, most skilful and most cheap in their charges.

Among miscellaneous Acts may be noted three in the abstract given at pp. 17-18 of the Acts of the Convention of Estates of July 31, 1599. The first is one "anent the cunyie"; the second,—perhaps the only Act directly concerning Literature in the whole of the present volume, unless we include the two already mentioned which record the King's victory over the Edinburgh clergy in the matter of the liberty of dramatic entertainments,—is an Act prohibiting the publication of any book or pamphlet, and especially of any book or pamphlet of Scottish History, without express licence from the King; and the third is an Act in favour of the University of St Andrews. There is another Cunyie ordinance by the Council itself at pp. 27-28. At p. 85 there is an Act of royal favour to Secretary Elphinstone; and at p. 92 there is a sign of the King's returning goodwill to the Prior of Blantyre, so recently degraded from the Treasurership. Among the judicial cases of the fourteen months one of the most curious is that of the abduction of a widow at pp. 103-104. Among the *Miscellaneous Papers*, at pp. 855-856, are some curious investigations respecting the authorship of a political pasquil at which the King had taken offence; and among the same papers, at pp. 856-857, are depositions of witnesses respecting a deadly duel and scuffle in which some Scotsmen had been engaged in the neighbourhood of Dantzic.

Continually in the King's mind through the fourteen months was the prospect of his accession to the throne of England. Queen Elizabeth might die any day; and, in the event of her death, would his claim to the succession be recognised? On this point all was uncertainty; and, so far as the Privy Council records throw any light upon King James's private meditations on the subject, they show him to have been studiously anxious, on the one hand, to keep on good terms with Elizabeth and the English, so as not to impair his interests with her or with them, while secretly resolved, on the other hand, to assert his right by force, when the time came, should that be necessary. In illustration of his desire to keep the peace and stand well with the English, one may refer to the proclamation at p. 13 against hostile incursions into England, to the order at pp. 14-15 for the liberation of some Englishmen under arrest, to the Acts at pp. 32-33 and p. 77 rescinding Acts of the Burghs against the import of English cloth, and perhaps even to the already cited Acts, at p. 39 and p. 41, rescuing the English dramatic company from their difficulties with the Edinburgh clergy. One may refer also to the Act at p. 113 against reset of a Dunkirk ship that had been committing depredations on English subjects, and to the proclamation at p. 127 against recruiting in the West Highlands for the assistance of the rebels in Ireland "in thair rebellious and treasonabell courseis aganis his Majesteis darrest suster the Quene of England." Much more latent is the fact that James did not think it impossible that, after all, he might have to fight for the English succession. Perhaps the only entries in the text from which such a fact could even be inferred are the abstract at p. 18 of the Act of the Convention of Estates of July 1599 authorising Sir Michael Balfour of Burley to import arms for 2000 horsemen and 8000 foot-soldiers, granting him a monopoly of the sale of such arms for three years, and requiring all the lieges to buy from him the due armour of their several ranks at the fixed prices, and the similar abstract at p. 62 of an Act of the subsequent Convention of Estates of December 1599, renewing the former Act. The grant to Sir Michael and the ordinance for the universal purchase of arms from him may have been partly for

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revenue purposes; but it is clear that there was a view to the possible necessity some time or other of a general rising of the Scottish population in vindication of the rights of their sovereign to the English crown. In fact, as is proved by the number of subsequent references in our present volume to the contract with Sir Michael Balfour, and by the assiduity of the Council in enforcing on persons of all ranks the ordinance for the purchase of arms, this quiet compulsion of the lieges to Sir Michael's warehouse had become the substitute, in the policy of the King and Council, for those more vague orders for general wapinschawings which had formerly been frequent. But the ordinance for the universal purchase of arms, though the only trace now to be found in the records of Council or Convention of the King's fancy that he might have to assert his rights to the English crown by force, was not actually the only measure of precaution suggested to him by that fancy. See the footnote at pp. 121–122, where it appears that the subject of the King's succession to the English crown, with the question of the practical ways and means for the "perseut of his undoubtit richt" should it be resisted by the English, was anxiously discussed at several Conventions of Estates in 1599 and 1600 of which no records have been preserved.

From the recorded sederunts of the Council through the fourteen months from June 1599 to August 1600, it appears that the official or ministerial members were on the whole the most steady in their attendance. Steadiest of all, and very seldom absent, was Chancellor Montrose himself, always named first in the sederunt unless when the King or the Duke of Lennox is present. Next in punctuality, and close on the Chancellor, are Treasurer Elphinstone and King's Advocate Hamilton; next, Secretary Elphinstone and Collector Sir John Preston,—with whom, as about exactly their equal in punctuality and the most regular of all the non-ministerial members, may be mentioned Lord President Fyvie. Clerk-Register Skene and the Commendator of Kinloss rank next; Privy Seal Cockburn, Justice-Clerk Cockburn, Comptroller Murray of Gospertie, and Almoner Peter Young, next; then Lord Newbattle, Melville of Murdocairny, and the Earl of Mar; next, ex-Treasurer Blantyre, Stewart of Traquair, and Home

of Spott; next, the Bishop of Dunkeld, Sir Robert Ker of Cessford, the Earl of Angus, Lord Livingston, Sir John Carmichael, the Earl of Cassillis, Lord Ochiltree, and the Duke of Lennox,—present at rates varying from once in three to once in five meetings; after whom, as present only several times altogether, come Lord Fleming and Lord Seton. The King himself stands about midway in the list, exactly matching the Earl of Mar in punctuality, and twice as punctual as his relative the Duke of Lennox. The Earl of Glencairn is found attending only once (June 27, 1600), while the Marquis of Huntly, the Earl of Argyle, and the Master of Paisley, though nominally of the Council, are not found present even once. On the other hand, the Marquis of Hamilton, though not nominally of the Council, is found present once (Sept. 15, 1599), as also William Melvill, Commendator of Tungland (same day). Sir James Melvill of Halhill, after having been present two or three times, as if by special grace, was formally elected to the Council on the 14th of July 1600, and then begins to attend regularly; and John Bothwell, Commendator of Holyroodhouse, of whose formal admission there is no record, begins attendance about the same time. In June 1600, as has been already mentioned, the Council lost one of its members by the death of Sir John Carmichael, Warden of the West March. Both he and the Earl of Angus had attended as regularly as their absences on their Border duties would permit.

II. From August 1600 to March 1603.

It was on the morning of Wednesday the 6th of August 1600 that Edinburgh was thrown into excitement and consternation by the news of the extraordinary incident or accident at Perth remembered in Scottish History by the name of The Gowrie Conspiracy. The news was that, on the preceding day, his Majesty had been lured from the neighbourhood of Falkland, where he had been hunting with a company of his nobles, to Gowrie House in Perth, the seat of the young John Ruthven, Earl of Gowrie, then recently back from his foreign travels, and had narrowly escaped a plot for his murder there, arranged

between the Earl and his younger brother,—the two brothers having been interrupted in the very act, and slain in different parts of the house by those of the King's attendants who had come up in time for his rescue. For further details of the incident and its immediate consequences see the first burst of Acts of Council relating to it, ten in number and quite consecutive, at pp. 142–150, and the footnotes at pp. 142–144, p. 147, and p. 150. The first of the ten Acts was a proclamation emitted by the Chancellor and eight others of the Council then in Edinburgh; the next five emanate from a Council round the King at Falkland on the following day, August 7; and the remaining four were framed at a very full meeting of Council, at which the King himself was present, in Holyroodhouse on the 12th of August, just after the King's return to Edinburgh. All these Acts, with every subsequent Act in the volume relating in any way to the Gowrie Conspiracy, are given in full. While they attest, however, the enormous importance attached at the time to the terrible incident at Perth, and enable us to feel the excitement in its first palpitation in Edinburgh and throughout the country, it cannot be said that they supply any particulars of evidence, in addition to those already before the public, that would bear decisively, one way or the other, on the great question, kept up among Scottish historians from that time to this, as to the real nature of the conspiracy, and the truth or falsehood, or part truth and part falsehood, of that version of it which the King himself put forth and maintained to the end of his life. Some little gleam of new light on this subject may indeed be furnished if the story as it is told in the ten Acts and their appended footnotes is read in connection with the prior footnote at pp. 121–122, where the young Earl of Gowrie is heard of as taking a rather conspicuous part in opposition to the King in a Convention of Estates five weeks before the date of the Gowrie House tragedy. So far as the facts in that footnote bear on the subsequent tragedy, they may seem to favour the idea, now adopted by most historians, that the King's version of the Gowrie Conspiracy was substantially true, or at least true to the extent that the Gowrie brothers had been meditating something

desperate. Even that gleam of light, however, is faint and uncertain; and so, leaving the speculation as it is stated *pro* and *con* in the longer footnote at pp. 142–144,—and this the rather because the series of documents respecting the Gowrie Conspiracy does not end with the present volume,—we may attend to one matter which the ten Acts of Council of August 6–12, 1600, do very remarkably bring out. It is that, from the first moment of the news of the Gowrie tragedy, the King's version of the story was regarded with scepticism in various quarters, and especially by the Edinburgh clergy, and that the King showed a resentment of this so instant, so sharp, and so vehement that it can be adequately described only by saying that he had resolved to make belief in his own account of the Gowrie Conspiracy a test thenceforth of loyalty among his Scottish subjects generally and a new instrument for the control of the Scottish clergy in particular.

His very first letters sent from Falkland on the evening of the tragedy had contained an order to the Chancellor and Council in Edinburgh to cause the five ministers of Edinburgh to convoke their several congregations and publish the facts from their pulpits, with thanksgivings for his Majesty's miraculous escape. Four of the five ministers,—Messrs Robert Bruce, James Balfour, William Watson, and John Hall,—having declined the prescribed duty till they had further information, and so having obliged the Council to substitute a single proclamation at the Cross, with a thanksgiving by Mr David Lindsay, minister of Leith, and with mere miscellaneous bonfires, for the required meetings of the five congregations (see p. 142), one of the Acts of the Council of August 12, after the King's return to Edinburgh, had been to call the four defaulting clergymen to account, together with their colleague, Mr Walter Balcanquhal, who had been prevented by illness from attending the first summons on the 6th. All the five, it appears, even after six days of reflection on the matter, and all the information that had meanwhile reached them, still avowed their "distrust and doubt" of the story of what had happened in Gowrie House, maintaining their "wilfull and obstinat refusaill yet to assuir and certifie the

people of the said intendit treasoun aganis his Majestie." The result was the Act of King and Council at pp. 148–149, suspending all the five from their ministerial functions, and banishing them from Edinburgh within forty-eight hours, with prohibition of return within ten miles of the same, under pain of death. It is difficult now to conceive fully the effects upon the mind of Scotland of such a sentence, for such a cause, on the five respected metropolitan presbyters. For the civil power to order a thanksgiving in congregations, or dictate to the clergy what they should say in the pulpit, was, in any case, against strict Presbyterian theory; and, though the recent policy of the King in Kirk matters might have prepared the public mind for such an exercise of authority, the circumstances were unprecedented. Was it to be part of the law of Scotland that the clergy should accept at once the King's word respecting anything that had happened to him in secret, or the account given by the King and his courtiers of any contemporary occurrence? Such was the general question; and there can be no doubt that, while the scepticism of the clergy as to the treason attributed to the slain brothers had its origin partly in the Presbyterian antecedents of the Gowrie family, and in the reputation of the young Earl for zealous Presbyterian principle, the very haste of the King to compel public credence in his own account of the transaction raised new suspicions.

While the Gowrie Conspiracy, as the most startling and picturesque incident of that part of James's reign in Scotland which immediately preceded his removal to England, has very properly received much attention from Scottish historians, and has even in some narratives been treated at such length as to dwarf all other Scottish occurrences of the two years and eight months now under view, what seems to have been missed is the influence of the Gowrie affair upon much that followed it, the power which the King extracted from it to shape things to his mind during those last years of his stay among his Scottish subjects. This, we repeat, is what the records in these pages help most to make apparent. They show more especially, we repeat, how the Gowrie Conspiracy became a new instrument in James's

hand for the management of the Scottish clergy. Just as the Edinburgh Tumult of December 1596 had enabled him to deject the clergy, and reduce them to a state of silence and submission in which they had not been at any time before since he came of full age, so the Gowrie Conspiracy of August 1600 was to enable him to deject them still farther and compel them to new concessions. Within a week of the event, as we have seen, he had the five ministers of Edinburgh, the very chiefs of the Scottish clergy, under suspension from their charges and in banishment from the town for their doubts as to the reality of the conspiracy. But pass to the pages containing the proceedings of the King and Council through the rest of the same month of August 1600 and through the two following months of September and October. The subject of the Gowrie Conspiracy is still that of paramount interest through these pages, occupying ten new Acts of Council in addition to the original ten of the first week; and, while two of these ten new Acts—viz., at p. 156 and pp. 159–160—relate to the investigations still going on as to the circumstances of the Gowrie House plot and the accomplices in it before or after the fact, the remaining eight—viz., at p. 155, pp. 155–156, pp. 156–157, p. 158, pp. 158–159, pp. 161–162, p. 162, and p. 166—all concern the curious tissue of ecclesiastical consequences. If these Acts are read, together with the foot-notes of elucidation at p. 157, p. 162, and pp. 164–166, the story they will yield is, in substance, as follows:—The King was firm in his determination to make belief in the Gowrie Conspiracy and public profession of that belief imperative upon the clergy. The five congregations of Edinburgh and their kirk-sessions were to go on without the five suspended ministers; and five other ministers, more orthodox or compliant in their notions of the Gowrie affair, were to officiate in the places of the disabled five till new arrangements could be made. See the names of the five substitutes at p. 156. It appears, indeed, that there was no difficulty in finding such substitutes, and that the submissiveness of the clerical body as a whole was now such that there was little disposition in it to support the five sceptical brethren in their contest with the King in this new case of the old question of

Presbyterian right and pulpit independence. There was a courtly spirit more especially among those clergy who, under the name of Commissioners of the last General Assembly, acted as a select council round the King for the management of ecclesiastical affairs till the next General Assembly. With the consent of this select conclave, the King ventured, on the 21st of August, to issue an ordinance in his own name imposing on all the clergy of the nation, without exception, that duty of solemn thanksgiving for his Majesty's late deliverance which the five Edinburgh ministers had declined. Thus left in the position of mere dissentients from the universal voice, four of the five hastened to yield. On the 10th of September, Messrs Balcanquhal, Watson, and Hall, appearing to summons before the King and Council at Stirling, confessed their error in having doubted the truth of the Gowrie Conspiracy; and on the next day Mr James Balfour appeared and made a like confession. Of all the five only Mr Robert Bruce stood out. He appeared to summons, but professed himself still "doubtful and nocht throuchlie resolvit of the treasounable and unnaturall conspiracie." For this contumacy he was sentenced to banish himself from Scotland by a given day, "on nawayis to returne agane within the same, nor yit repair within the realme of England," under pain of death. But, though the punishment fell heaviest on Mr Bruce, even his four more yielding colleagues were not wholly forgiven. Not only did they remain suspended from their Edinburgh charges; but they were required, by way of additional penance, to make journeys to certain specified groups of towns in succession, and there, "in the ordinar kirkis thairof and upoun ordinar preaching dayis," make public declaration of their assured belief now in the Gowrie treason, "and crave God and his Majestie pardoun for thair ouer lang slawnes and doubting thairof." Nor was this all. On the 14th of October, a week or two after the universal thanksgiving appointed for his Majesty's delivery from the Gowrie Conspiracy, there was a convention at Holyrood-house of representative clergy from all the Synods of the Church, for the purpose of advising the King farther in the case of the suspended Edinburgh ministers and their vacant charges;

and in this convention not only did the King succeed in procuring a clerical ratification of the substance of his proceedings against the five culprits, but he succeeded also, by a clever manœuvre, the circumstances of which are explained in the footnote at pp. 164–166, in obtaining clerical assent to an important step in his great design for the restoration of Episcopacy. That there might be Prelacy of a certain kind for Parliamentary purposes had been already conceded, as we have seen (*ante*, Vol. V. Introd. pp. lxv.–lxx. and pp. lxxviii.–lxxix.), by previous conventions and General Assemblies of the Kirk; titular Bishoprics, as we have also seen, had never been extinct,—Mr Peter Rollok, for example, holding the temporalities of the Bishopric of Dunkeld, and having sat in the Privy Council with the title of Bishop since the beginning of Montrose's Chancellorship; but it was in this convention at Holyroodhouse in October 1600 that there was the first return to Diocesan Episcopacy. This was effected by the nomination of Mr Peter Blackburn of Aberdeen, Mr David Lindsay of Leith, and Mr George Gledstanes of St Andrews, to the vacant bishoprics of Aberdeen, Ross, and Caithness, respectively. Add this sudden resuscitation of Diocesan Episcopacy in the persons of those three Presbyterian parish ministers to the unusual readiness with which the clergy generally had accepted the King's ordinances for preaching and thanksgiving and to the crushing humiliation of the five Edinburgh clergymen who had offered a temporary resistance, and the total amount of the King's immediate political gains from the Gowrie affair will appear not inconsiderable. What most impressed the popular mind at the time was the banishment of Mr Bruce. The relations of the King to the clergy were certainly greatly changed when this stately metropolitan clergyman, perhaps the most eminent man in the Scottish Church next to Andrew Melville, and once the most intimate and trusted of all the King's clerical counsellors, could be prostrated by a single blow from his Majesty's hand, with hardly a public sign of protest or remonstrance. It was on the 3rd of November 1600, just three months after the Gowrie affair, that Mr Bruce embarked for his exile in France. By that time, as will

be seen from the entry and footnote at p. 166, one of the other four suspended brethren, Mr John Hall, had contrived, by the special nature of his submission, to obtain full forgiveness, and had been restored to his charge.

The month of November 1600, marked by the expatriation of Mr Bruce, is memorable also for the meeting in Edinburgh of the last Scottish Parliament that was held by King James before his removal to England. For Acts of Council relating to this Parliament see pp. 167–169 and pp. 170–171; and for a summary of the proceedings see the footnote at pp. 173–174. The chief business was, of course, the Gowrie Conspiracy. After a formal trial of the whole affair, with examination of witnesses, and the production in Court of the dead bodies of the two accused brothers, which had been kept unburied three months for the purpose, sentence was pronounced, forfaulting the estates and honours of both, and ordering the dead bodies to be hanged and quartered in Edinburgh, and the fragments to be exposed there and in other towns. There were, moreover, several legislative Acts in connection with the same affair. One was an Act for disinheriting the remaining brothers of the Ruthven family and their descendants for ever; another was an Act for abolishing the surname of Ruthven in Scotland for all time coming; and a third ordained the observance of every 5th of August in all time coming as a day of solemn thanksgiving for his Majesty's deliverance from the great Gowrie treason. Hardly less noted at the time than these Acts themselves was the fact that in the Parliament that passed them there sat and voted the three newly appointed Diocesan Bishops, Lindsay of Ross, Gledstanes of Caithness, and Blackburn of Aberdeen, as well as the merely titular Bishops of Dunkeld and Brechin. Presbyterian records also make much of the coincidence that the day of the public gibbeting and dismemberment in Edinburgh of the dead bodies of the Earl of Gowrie and his brother, as by the sentence of this Parliament, was the very day of the birth of the King's second son, afterwards Charles I. He was born at Dunfermline on the 19th of November 1600. See p. 175, footnote.

No Act was passed by the Parliament of November 1600

affecting the composition of the King's Privy Council. During our present two years and eight months, therefore, that body remained pretty much as it had been during the preceding fourteen months, with but a few incidental changes and additions. There were nearly 300 meetings of the Council, or at the rate of somewhat more than two a week. There are recorded sederunts for about two-thirds of the total number of meetings. From these it appears that Chancellor Montrose himself, as became his position, was still the most assiduous in his attendance, and absent very rarely indeed. Next in regularity was Sir George Home of Spott,—first in his continued capacity of non-ministerial member, and designated in the sederunts simply as "Spott," but from September 1601 onwards with the title of Lord Treasurer, as having been appointed to that office on the resignation in that month of Alexander, Master of Elphinstone (see p. 288). Nearly as punctual was the Lord Advocate Hamilton; next to whom in regularity were Comptroller Sir David Murray, Collector Sir John Preston, Secretary James Elphinstone, Lord President Fyvie, and John Bothwell, Commendator of Holyroodhouse. The Master of Elphinstone, who had been very regular in his attendance so long as he remained Treasurer, continued to attend as a non-ministerial Councillor, though not quite so punctually, after he had resigned the Treasurership, appearing in the sederunts thenceforward no longer as "Thesaurarius," but first with a relapse into his family title of "Master of Elphinstone," and then (after July 1602) as "Elphinstone," *i.e.*, Lord Elphinstone, by reason of his succession to his father in the peerage. Almost on a par with each other in point of punctuality, but only about half as often present as the Chancellor, were Clerk-Register Skene, Privy Seal Cockburn of Clerkington, Justice-Clerk Cockburn of Ormiston, Almoner Peter Young, and Edward Bruce, Commendator of Kinloss; not far behind whom were Lord Newbattle, Lord Ochiltree, the titular Bishop of Dunkeld, and Sir William Stewart of Traquair. The Earl of Mar and the Prior of Blantyre are found in about one in four of the recorded sederunts; the Duke of Lennox in about one in five; Lord Livingston and Sir Robert Ker of Cessford in about one in eight,

—under these names till the beginning of 1601, but Livingston after that under the higher title of Earl of Linlithgow, and Ker under the higher title of Lord Roxburgh. The Master of Paisley, who had been nominally of the Council since the beginning of Montrose's Chancellorship, but had delayed taking his oath and seat, is found qualifying himself on the 10th of February 1601 (p. 203), and attending occasionally after that date. Less frequently present, but recorded as appearing in Council about a dozen times each during the two years and eight months, were the Marquis of Huntly and the Earl of Argyle, both also nominally members since December 1598, though the latter did not take his oath and seat till March 3, 1601 (p. 215). Oftener than either of these appeared the Earl of Angus, though at a less regular rate than in the preceding fourteen months. Lord Seton continued to appear occasionally, but is distinguished in the sederunts after January 1601 by his higher peerage title of Earl of Winton, to which he had then been promoted. Very seldom present was the Earl of Glencairn; still more seldom the Earl Marischal; and Lord Fleming is recorded as present but once or twice through the whole period. There is a singularity about the appearances of the Earl of Cassillis in the sederunts. He is found resuming his attendance in the end of December 1600; thenceforward he attends for a while rather regularly, but only to disappear again after having been present at about a dozen meetings; and, suddenly, in February 1603, he recommences attendance. Sir Robert Melville of Murdocairny, so familiar to us as a Councillor from of old, and so steady in his place in Council even after Montrose's Chancellorship had begun, resigned and went into retirement in December 1600 (p. 182), though it seems possible that the occurrence of the name "Murdocairny" in two subsequent sederunts may intimate that he was present again by grace on some particular occasions. Finally, Sir James Melvill of Halhill, whom we found elected of the Council on the 14th of July 1600 and attending pretty regularly through the rest of that month, reappears but once after the date of the Gowrie Conspiracy, viz., on the 21st of August 1600 (p. 156), and then vanishes from the sederunts.—The foregoing enumeration

accounts for thirty-three persons known to us as effective or nominal Councillors in previous lists (*ante*, pp. ix.–x. and pp. xx. xxi.). While, however, the only important ministerial change in our present period was the transference of the Treasurership from the Master of Elphinstone to Sir George Home of Spott, there were several modifications of the Council by new admissions. When Sir Robert Melville of Murdocairny resigned, it was with the understanding that he should be succeeded in the Council by his son, Sir Robert Melville, younger; and, accordingly, from p. 182, or December 4, 1600, this younger Sir Robert Melville takes his father's place in the sederunts, attending about as frequently as his father had done, and distinguished from that old "Murdocairny" sometimes by the mere name of "Sir Robert Melvill" and sometimes by the territorial title of "Bruntisland." A more remarkable admission into the Council was that of Mr David Lindsay, the new Diocesan Bishop of Ross, on the 30th of December 1600 (p. 187). The election of such a clerical member to a place in the Administration was even more significant of the King's perseverance in his Anti-Presbyterian policy than the fact that the new Bishops had sat and voted in the recent Parliament. Mr Lindsay may have been chosen for his special aptitude for his new duties. At all events, his diligence in attending the Council meetings after his admission was most exemplary. With the exception of the Chancellor, the Treasurer, and the Lord Advocate, no Councillor was more regularly in his seat through 1601 and 1602 than the the Bishop of Ross. Other new admissions into the Council were the following :—Sir Patrick Murray of Genyies, March 5, 1601 (p. 220); Sir Thomas Erskine of Gogar and Sir William Livingston of Kilsyth, both July 2, 1601 (p. 267); Alexander Lindsay, Lord Spynie, and Hew Campbell, Lord Loudoun, both July 8, 1601 (p. 268); Sir James Sandilands of Slamannanmure, August 17, 1601 (p. 279); Sir George Douglas (admission not recorded, but he is found attending from July 13, 1602); Mr George Gledstanes, Bishop of Caithness, the second clerical member admitted, November 24, 1602 (p. 484); Sir Robert Denniston of Montjoy, Conservator of the Privileges of the Scottish Nation in the Netherlands,

November 30, 1602 (p. 488); and Kenneth Mackenzie of Kintail, December 9, 1602 (p. 497). All these became effective members, —especially Sir Patrick Murray, Sir James Sandilands, and the Conservator. Occasionally, as in former periods, a nobleman or laird who was not a Councillor is recorded as having been present in some particular sederunt. Thus, the Earl of Errol is mentioned as three times present in the Council, Lord Home as twice present, and the Earl of Atholl, the Earl of Morton, the Bishop of Brechin, the Prior of Inchaffray, Lord Herries, and the Laird of Lochinvar, as each once present.

A special interest ought to attach to this list of the Privy Councillors of James VI. during the last years of his residence in Scotland. The King himself was pretty often present in the Council meetings,—though less frequently in proportion than had been his custom in previous years; and the persons that have been mentioned are to be remembered,—or, at all events, the ministerial officials among them, and the other lords and lairds who gave effective attendance in the Council, are to be remembered,—as the most influential public men round James in Scotland just before the union of the crowns, and as those in whose hands he was to leave the government of Scotland when that union called him south. We are now sketching, in fact, the history of the last administration of James's reign in Scotland that can be called purely or independently Scottish.

The history of this Administration has already been traced, on its ecclesiastical side, as far as to November 1600, or three months after the first excitement of the Gowrie Conspiracy. The sequel of the ecclesiastical history to as late as March 1603, so far as the Privy Council was concerned, may be studied in the Register at a succession of points. At pp. 171–172, in the case of a complaint against Mr Andrew Knox and the Presbytery of Paisley, we see the vigilance of the Council over any attempted excess of clerical jurisdiction. At p. 172, pp. 185–186, and p. 197, are Acts against Jesuits and trafficking priests, and the reset of such by the lieges, with the names of several such and their resetters. At pp. 199–200 there is a decision in a case of dispute as to stipends between the ministers of Coldingham and

Jedburgh and Lord Home. A certain Ogilvy of Poury-Ogilvy, a noted agent for Spain and other Catholic powers, is the subject of entries at p. 220 and pp. 226–227. At p. 231, in an Act convoking a General Assembly of the Kirk for certain purposes by his Majesty's authority, there is a new sign of his Majesty's assumption of the supremacy in ecclesiastical matters as well as in civil. Prosecutions for attending mass occur at p. 235. At pp. 236–237 there is another Act against the reset of an excommunicated Papist; and in a footnote to the same pages will be found a summary of the proceedings of an interesting General Assembly of the Kirk at Burntisland in May 1601. In this General Assembly,—so submissive were the clergy now to the King,—it was agreed, by a majority of two to one, that Messrs Balcanquhal, Watson, and Balfour, who were still out of the King's favour for their behaviour in the Gowrie affair, should be severed permanently from their Edinburgh charges and transferred to charges elsewhere. Almost immediately afterwards, however, the King, as if satisfied by this compliance, reponed the three offenders, as he had already reponed their fellow-culprit, Mr John Hall,—thus leaving only the banished Mr Bruce still under punishment for the great offence of the preceding August. See the Act reponing the three at p. 241, with the footnote at the same page for a similar act of grace at the same time to the former clerical offender, Mr John Dykes. On the other hand, and almost at the same moment, the King found a new clerical object for his anger in Mr John Davidson of Prestonpans, and this on account of letters of vehement anti-Popish and anti-Episcopal import which that veteran Presbyterian had addressed to the late General Assembly at Burntisland. See at p. 243 the order for the imprisonment of Mr Davidson in Edinburgh Castle; and, for particulars of his offence, and the commutation of his sentence into seclusion in his own house in Prestonpans, see the appended footnote. At pp. 256–258 there is a special Act of Council for proclaiming the Act of the late Parliament appointing the 5th of August to be a perpetual anniversary of thanksgiving for his Majesty's deliverance from the Gowrie Conspiracy, and for requiring obedience to the Act by the clergy and by all the lieges.

At pp. 272–273 are two more decisions by the Privy Council in review of decisions of the Church Courts,—the one stopping the proceedings of a Presbytery, the other supporting a regulation by a kirk-session. The second case reappears at p. 286. Another prosecution for reset of a Jesuit occurs at p. 297. At p. 312 and pp. 326–327 is an investigation respecting the prevalence of the mass and Popish proclivities generally in the neighbourhood of Dumfries, with lists of the persons accused; and the investigation recurs at p. 235, p. 252, and p. 355 (see also p. 712 and pp. 716–717 of *Acts of Caution*),—with an extension of the charge in the last entry to Nithsdale and Galloway. At p. 325 is a curious case of prosecution of a Fifeshire lady and her sons for the rescue of a miller who had been committed to prison for Sabbath-breaking; and at p. 485, on information that the Sabbath day is "verie fer prophanit and violat in the north pairtis of this realme "be the awnairis and possessouris of the fischeingis upoun the "watteris of Dee, Done, Dovirne, Spey, Finderne, and Nes, "quha, without feir and reverence of God or regaird of his Majestie "and his lawis, and mony admonitions frae tyme to tyme gevin to "thame be thair pastours and ministeris, useis a frequent and com-"moun fischeing within the saidis watteris upoun the Sonday, not "spairing and forbeiring the ordinair appointit tymes for publict "preiching and prayeris," there is an Act of Council prohibiting such conduct in future under the penalty of £40 for each offence. At p. 366 there is a charge to the Marquis of Huntly, as lieutenant in the north, for the apprehension of certain excommunicated Papists and Jesuits lurking in those parts. A severe sentence for assault on a Forfarshire parish-minister will be found at pp. 371–372. On the other hand, at pp. 389–390, will be found a fresh illustration, in the case of Mr John Howieson, minister of Cambuslang, against the Presbytery of Hamilton, of the control now exercised by the Council over the clergy collectively. At pp. 423–424, an individual minister, Mr Henry Blyth of the Canongate, incurs a sharp sentence for reverting to the old Presbyterian plea of pulpit liberty and refusing to answer questions put to him respecting some political criticisms on which he had ventured in a sermon. In connection with this entry see the

appended footnote, and also, for further elucidation of the prior facts about Mr Blyth mentioned in that footnote, the *Miscellaneous Papers* at pp. 857–859. For the most important facts of general ecclesiastical reference in the last year of James's stay in Scotland see pp. 379–380, with the elucidation in the footnote, pp. 397–398, and p. 449. In the first the King and Council are found constituting themselves the executive of two dormant or insufficiently obeyed Acts of the late General Assembly at Burntisland,—one for a general visitation of the ministry all over the realm, and the other for a clerical supervision of noble families of Roman Catholic propensities; in the second, still in the same spirit, his Majesty all but proclaims himself the head of the Church, and appoints his own time and place for the next General Assembly; and in the third,—which is an Act dated the 12th of August 1602, charging and threatening certain ministers for having disobeyed the Act of Parliament requiring them to have kept the preceding 5th of that month as the solemn anniversary of the Gowrie Conspiracy, and for having reasoned against the competency of the civil power to pass such an Act,—we seem on the verge of another battle to the death between the King and the zealots for strict Presbyterian principle. How the battle was avoided may be learned from the footnote at pp. 449–450. The King's own sagacity or experience seems generally to have taught him in such cases when he could strike hard with a chance of success, and when it would be better to decline an encounter; and on this occasion, having issued his edict, he was content with the mere fulmination. His reward appeared in that General Assembly of the Kirk which met at Holyroodhouse in November 1602, and which was the last General Assembly in which he was present, and the last held while he yet remained in Scotland. In that Assembly an Act was passed not only establishing by express ecclesiastical authority the perpetual anniversary thanksgiving of the 5th of August already decreed by Act of Parliament, but also appointing the Tuesday of every week in future to be a preaching day in all the burghs in remembrance of the fact that the Gowrie Conspiracy and his Majesty's deliverance therefrom had happened on a Tuesday. Thenceforward, accordingly, there could be no

conflict between the civil authority and the clergy on the sore question of the Gowrie commemoration. The Assembly was memorable, however, in other respects. For an account of its proceedings see the footnote at pp. 477–479, where an opportunity has been taken to condense a number of particulars necessary to be known as to the state of the Kirk of Scotland just before his Majesty's removal into England.

The substance may be expressed thus:—By steady perseverance in that policy in Kirk matters which had been initiated six years ago on the occasion of the Edinburgh Presbyterian Tumult of December 1596, and in which the King's hands had been strengthened considerably by the consequences of the Gowrie Conspiracy of August 1600, he had succeeded to an extent almost beyond his own expectations. Striking hard in individual cases of clerical opposition, missing no opportunity of asserting his royal prerogative over the Church as well as the State, and yet not prematurely pressing his full design of a restored Episcopacy, but only gaining ground gradually in that direction by cautious management of the clergy themselves, whether in private conferences or in the successive General Assemblies and other ecclesiastical conventions, he had at length advanced so far that, when this General Assembly of November 1602 rose from under his own supervision, after having appointed its successor to meet at Aberdeen in July 1604, the Kirk may be said to have already lost its Presbyterian character. True, there were but three or four clergymen with the title of Bishops; true, these clergymen were still treated by their brethren as much as possible merely as parish-ministers with honorary diocesan designations. In fact, however, the system of Presbyterian parity had been undermined, and something like power, as well as dignity, had begun to gather round the name of Bishop. It is significant that it was in November 1602, just after the General Assembly of that month, that Mr George Gledstanes, Bishop of Caithness, was admitted into the Privy Council as a second clerical member of that body, in addition to Mr David Lindsay, Bishop of Ross, who had already sat in the Council for nearly two years. While these two, and their fellow-bishop, Mr

Peter Blackburn of Aberdeen, were the most prominent clerical dignitaries in Scotland for the moment, there were others among the parish-clergy who were already bishops-expectant. For, when the Scottish Episcopate should be fully filled up according to its old constitution, there would not be three or four diocesan bishops only, but two archbishops and eleven diocesan bishops besides. That possibility was already in the horizon, and the prospect was producing effects. Among the clergy themselves the old Presbyterian spirit had subsided. The majority of the clergy in all parts of the country had accommodated themselves to the King's ecclesiastical policy, and were prepared to accept, whether willingly or with gradually decreasing reluctance, the extension of that moderate Episcopacy which already existed on a small and tentative scale in the persons of Messrs Lindsay, Gledstanes, and Blackburn. The clerical Presbyterian leaders were disabled and powerless. Messrs Balcanquhal, Watson, Balfour, and Hall, so recently restored to their Edinburgh charges, were in the position of pardoned delinquents, bound to be specially wary in their behaviour, and incapable therefore of that further championship of the Presbyterian cause which might in other circumstances have been expected from the presbyters of the metropolis. Their ex-colleague Mr Robert Bruce, personally the most fitted for such championship, was under still more grievous incapacitation. After about a year of exile, the first six months of which had been passed in France, and the rest by permission in the north of England (see footnotes pp. 249–250), he had been allowed, indeed, towards the end of 1601, to return to Scotland (see footnote p. 289), but only in the character of a man still under the King's displeasure and bound to sue out his pardon by special negotiation. He had been engaged in this negotiation for a whole year, professing now his full belief in the King's narrative of the affair of the Gowrie Conspiracy, but so scrupulous and punctilious in the terms of his acknowledgment that the King was not satisfied; and at the date of the General Assembly of November 1602 the difference was still unadjusted, and Mr Bruce still remained a denizen of Scotland by sufferance merely, without a congregation, and paralysed from action in any

form. The veteran Mr John Davidson of Prestonpans, a humbler representative of Presbyterianism than Mr Bruce, but whose words had been of powerful effect now and then in recent years, was also, as we have seen, *hors de combat*. His imprisonment in Edinburgh Castle having been commuted by the King's clemency into seclusion in his own manse at Prestonpans, he had settled, not unthankfully, and with a kind of humorous acquiescence, into the silence which the times required. Even in Fifeshire, perhaps the only district in all Scotland in which Presbyterian principles remained still strongly in the ascendant, the struggle seemed to have ceased. The Presbyterian manifesto given in from the Synod of that county to the General Assembly at Holyroodhouse had been quietly suppressed or evaded (footnote p. 478); and Mr James Melville and the other supporters of that manifesto had returned to their Fifeshire homes disappointed and disheartened. Of Andrew Melville himself, not only the head of the Fifeshire Presbyterians, but the Presbyterian-in-chief of the whole Scottish nation, we have, at this moment, but an indistinct glimpse. On the occasion of a new offence by his liberty of speech he had been in ward in St Andrews, by special royal edict, since July 1602, with a range of movement of not more than six miles from that city (footnote p. 409). He had thus been precluded from coming to the General Assembly of November 1602, and was in fact precluded from serving the waning cause of Scottish Presbyterianism through the winter of 1602–3 by any other means than his Latin lectures to his students in St Andrews University. To the utmost of his power he did employ this means of Presbyterian protest; but what a contrast there must have been in his thoughts between the state of the Kirk of Scotland practically in that winter and its state in those past years when he seemed to have succeeded almost to perfection in shaping it in accordance with the strict Presbyterian ideal! To mention any other name in such a connection after that of Andrew Melville is a descent from the greater to the less; but the death, on the 12th of January 1602–3, of the once famous Mr David Black, the hero of the Edinburgh Presbyterian tumult of December 1596,

was an incident of which neither Melville nor any other Scot of the time can have heard with indifference. See the footnote at pp. 518–519 for the circumstances.

Of the energy of the Government all the while in the business of the ordinary civil administration there is ample evidence. Among the general ordinances of police and administration passed during the two years and eight months are the Act anent the custody of Stirling Castle by the Earl of Mar at p. 164, the two Acts at p. 169 for the preservation of order during the Parliament of November 1600, the Act at p. 206 for binding all the King's household by an oath to assist in the pursuit of criminals, and the Proclamation at p. 233 for the better exercise of justice. See also the Proclamation at p. 258 of his Majesty's determination to enforce with strictness the laws against carrying fire-arms, the Proclamation at pp. 292–293 for redress of grievances in the district of Angus during his Majesty's progress there in October 1601, the rebuke to the Marquis of Huntly at pp. 295–296 for inefficient action in his northern lieutenancy, the charge at p. 329 to all the sheriffs of the realm to proceed against all persons standing at the horn in their respective districts for any sort of offence since 1596, the new Proclamation at p. 362 for redress of complaints in the shire of Angus, the Proclamation at p. 448 for immediate fulfilment of recent decreets in favour of poor suitors, the Act at pp. 505-506 for enforcing the Act of Parliament as to the registration of sasines, and the new Act at pp. 525–526 against the reset of notorious criminals. For an adequate idea, however, of the activity of the Council in enforcing law and repressing disorder, one has to refer to the dealings *passim*, whether in the form of judicial decreets or in that of justiciary regulations, with individual crimes and offences. Forcible abduction of women was evidently not a very uncommon form of crime in Scotland in those days. The most notorious case of this kind contained in the present volume seems to be that of the abduction of Margaret Carkettle, daughter of George Carkettle, burgess of Edinburgh. It is the subject of entries at p. 180, pp. 189–190, pp. 191–192, p. 203, and pp. 340–341. Other cases

occur at p. 187 (Isabel Hutchison), p. 389 (Janet Armour), and pp. 411–412 (Janet Thornton). A narrative of a peculiar case of sexual crime, with very extraordinary and ugly particulars, will be found at pp. 241–242, in the shape of penal proceedings against the jury who had tried the case and wrongfully acquitted the accused. Roughly classified, however, the forms of crime occupying the Council most are those of simple reif or robbery, systematic reif and oppression in particular neighbourhoods, accidental assaults and tulyies with or without fire-arms, and armed conflicts and acts of violence arising out of family feuds among the nobles and lairds. In the matter of reif one is more especially struck in this period with the rigour of the Council in seeking out old cases and compelling redress or restitution, when possible, after long impunity. The instances are numerous; but, for samples, see p. 296, a cluster of cases between p. 414 and p. 418, another cluster between p. 442 and p. 448 (one of the cases going fourteen years back), another cluster between p. 456 and p. 464, and subsequent cases at p. 468 *et seq.* and p. 486. Of the charges of systematic oppression or high-handed violence by persons of mark in particular neighbourhoods perhaps the most noteworthy are those recorded at pp. 188–189 (Gordon of Gicht), pp. 209–210 (John Reddick of Dalbeatie), pp. 248-249 (Cunningham of Caprington), pp. 283–284 (Gordon of Gicht again), p. 288 (Dempster of Auchterless), p. 295 and pp. 297–299 (Gordon of Gicht repeatedly again), p. 300 (Dempster of Auchterless again), p. 318 (the Monteiths of Kerse), p. 336 (Gordon of Gicht again), pp. 360–361 (Cheyne of Straloch against Baird of Auchmedden), pp. 398–401, p. 425, pp. 429–435, pp. 436–437 (the Roses of Kilravock and the Dunbars), pp. 405–406 (Hannay of Sorbie), pp. 472–474 and p. 481 (Douglas of Drumlanrig), p. 499 (Cheyne of Esslemont), pp. 501–505 and p. 507 (Currour of Inchdrower against the Gordons of Avachy). The Gordons of Gicht, so conspicuous at this time both for turbulence and for Roman Catholic recusancy, were the maternal ancestors of Lord Byron; but lawlessness seems to have been rife generally among the Gordons, and in all those parts of Aberdeenshire and Morayshire which depended chiefly on the Marquis of Huntly

and were a half-way ground between the Lowlands and the Highlands. That Aberdeen itself and the vicinity did not escape the troublesome contagion appears from the entry at pp. 222–224. Assaults in mere heat of blood belonged, of course, to no district in particular, but occurred everywhere. For instances of such, with specimens of the determination of the Council in inquiry after breaches of the laws against the private use of fire-arms, see pp. 197–199, p. 207, p. 214, pp. 224–225, p. 239, pp. 258–259, pp. 262–263, p. 317, p. 429, p. 531. Quite as numerous are the proofs of the continuance of great family feuds among the nobles and the lairds, and of the unabated zeal of the King's efforts to suppress this characteristically Scottish form of disorder, whether by amicable interposition, by the exaction of mutual assurance from the parties at feud, or by severities in cases where the feuds led to armed conflicts, slaughters, or riotous breaches of the peace. The important feud between the Marquis of Huntly on the one hand and the Earls of Argyle and Moray on the other is heard of at p. 290, p. 347, p. 351, p. 372, and p. 378. The great feud between the Lindsays and the Ogilvies, involving the Earl of Crawford, Lord Spynie, and others, on the one side, and Lord Airly, the Master of Ogilvy, and their adherents, on the other, is heard of, in a succession of phases, at p. 157, pp. 201–202, p. 393, pp. 450–451, pp. 492–493, pp. 519–520, and pp. 522–525, with corresponding entries among the *Acts of Caution*. Bruce of Clackmannan and Bruce of Fingask are found at feud at p. 167 and p. 197–199; Lord Ochiltree and Campbell of Loudoun at p. 185, p. 192, pp. 266–267, and p. 323; Lord Glammis and Crichton of Cluny at p. 186 and p. 543; Gordon of Lochinvar and Vaus of Barnbarroch at pp. 214–215 and p. 307; and the same Gordon of Lochinvar and Stewart of Garlies at p. 424. The old feud between the Maxwells and the Johnstones recurs at p. 230, p. 317, and p. 492; there are notices of feuds between the Earl of Atholl and Stewart of Grantully, Maxwell of Calderwood and Maxwell of Newark, Grierson of Lag and Maxwell of Conheath, and Lundy of Gorthy and Murray of Tullibardine, at pp. 299, 305, 383, and 467, respectively; and a great commotion of feud among

the Kennedys of Ayrshire, of which the Earl of Cassillis is the centre, and which involves the terrible Mure of Auchindrane, is the subject of entries at p. 305, p. 322, p. 323, pp. 341–342, p. 346, and pp. 347–350, besides various entries among the *Acts of Caution*. The already-mentioned strife in the north between the Roses of Kilravock and the Dunbars might be added to this list of feuds, and might then rank, from the space it occupies in the Register, as of about equal moment with the feud among the Kennedys of the west and that between the Lindsays and the Ogilvys in the Angus region. This last, however, was attended by an incident peculiar to itself. See, in the entry at pp. 519–520, the story of the night-attack upon Lord Spynie's house of Kinblathmont, in November 1602, by the Master of Ogilvy and some of his brothers, with a force of their kin and friends, to the number of about 120 persons on horse and foot. Not only were the assailants armed with all the usual weapons, including field cannon; but they had brought with them "a maist deteistable and unlauchfull ingyne of weir, called *the pittart*" *i.e.*, the *petard*. "Haveing affixt the said *pittart* to the principall yett " of the said place, they forceablie blew up the same yett or evir " ony of the personis being within the said house knew of thair " being thair; and, immediatelie at the blawing up of the yettis, " they schoit and dischargeit thair feilding peceis at the windois " of the said place, of purpois to have slane sic personis as, upoun " the noyis of the blawing up of the yett, sould come to the " windois to understand quhat the mater meanit." Fortunately, Lord Spynie and his family were not at home; and the assailants, having broken their way into the house in the aforesaid manner, had to be content with ill-usage of the servants and with sack and ravage of all they could find. The outrage, violating as it did the bands of assurance given by the Ogilvys to the Lindsays, would in any case have called for punishment; but, as appears from the entry narrating the affair, and from the subsequent entries at pp. 522–525, the employment of *the pittart* added an element of novel horror and alarm to the case, like that of dynamite or nitro-glycerine in modern outrages, and moved the Council to special vengeance. Indeed, already, on

the 1st of December 1602, on the first rumour of the affair, and before it came to be tried judicially, the Council had made it the occasion of a special legislative enactment. See, at pp. 490–491, the Act of Council forbidding the use of *pittarts* by any of the lieges, or the manufacture of such devilish machines by any craftsman within the realm, under pain of death.

For a series of entries relating more particularly to the administration of the Borders the reader is referred not only to pp. 824–833 of the separate *Acts and Ordinances for the Borders and the North*, but also to pp. 152–155, pp. 179–180, p. 240, pp. 261–262, pp. 317–318, p. 347, p. 351, p. 355, pp. 357–358, p. 377, p. 387, p. 395, pp. 407–408, p. 419, pp. 435–436, pp. 440–441, pp. 467–476, p. 481, p. 492, pp. 494–495, p. 514, p. 532, pp. 538–539, pp. 541–542. In the West March, as some of these entries show, the Laird of Johnstone was again Warden, and Lord Maxwell was again for the time the most unruly of the lieges. Entries relating to the Highlands will be found at pp. 151–152 (the Macgregors), pp. 177–178 (Highland jurisdiction of the Duke of Lennox), pp. 183–184, pp. 213–214, pp. 215–217 (Earl of Argyle and the Clan Gregor), pp. 229–230, p. 686 (Stewart of Appin), pp. 255–256 (new Commissions of Lieutenancy to the Duke of Lennox and the Marquis of Huntly), p. 263, p. 269, p. 278, p. 279, p. 282, p. 292, p. 303 (Isle of Arran), p. 316, p. 343 (Wapinschawings in the Highlands), pp. 352–353, p. 362, pp. 369–370, pp. 365–376, p. 381, p. 395, pp. 402–404 (Band by Macgregor for his Clan), p. 409, p. 413 and p. 415 (Robertson of Struan), pp. 415–418, p. 419 (Earl of Argyle and Clan Gregor), pp. 420–422 (Island of Lewis), pp. 424–425 (Macdonald of Glengarry), pp. 429–434, pp. 435–436, pp. 441–444, pp. 447–448, pp. 457–464, p. 464 (Projected Raid to the Isles), p. 480 (Isle of Arran), p. 484 (Colquhoun of Luss and the Earl of Argyle), pp. 488–490 (Earl of Argyle and Clan Gregor), p. 495, pp. 500–501, pp. 507–508, pp. 517–518 (Isle of Bute), p. 536, p. 544 (Clan Gregor), and pp. 545–546 (Island of Lewis again). See also the footnote at pp. 421–422 for a summary of the story of the attempted colonisation of the Lewis by Lowland adventurers as far as to July 1602; and see the foot-

note at pp. 534–535 for an account of what is, all in all, the most memorable incident in Highland history during our present period,—the famous *Slaughter in the Lennox* or *Fight of Glenfruin*. Through the series of entries in the Register that have just been cited, as through prior entries for a long while, one has marked the gradual closing of the grasp of fate and of Lowland law upon the unfortunate Clan Gregor; but it was this last collective exhibition of the savagery of the Macgregors, in a battle with the Colquhouns of Luss and others, fought in a glen between the Gare Loch and Loch Lomond, on the 2nd of February 1603, or not two months before the accession of James VI. to the throne of England, that gave occasion for their precipitate doom, and left them the landless, nameless clan out of which Rob Roy emerged, and on which the Scottish muse has taken pity:—

> "The moon's on the lake, and the mist's on the brae,
> And the clan has a name that is nameless by day."

Interspersed among the more ordinary Acts of Council for our present period will be found, as usual, a considerable number, of a more or less interesting nature, relating to trade, commerce, manufactures, revenue, or other matters of royal or public economy. At pp. 160–161 is the record of a difference between the burgh of Dumbarton and the city of Glasgow respecting a right of dues on the Clyde traffic claimed by the former burgh for maintaining a fund for the protection of the burgh from the overflow of the Leven. At pp. 205–206 is a proclamation explaining and vindicating a "lait impoist layed upoun the grit "waistrie of wyne drukin in tavernis be a nowmer of commoun "artisans and rascall multitud." At p. 207 is an Act authorising a toll for repair of bridges on the North Esk. On the same page and the next, and also at pp. 263–264, are certain regulations as to the King's household and the payment of his domestic officers. At pp. 217–219 there is a decision of a dispute between the parishioners of several Fifeshire parishes and the magistrates of St Andrews respecting regulations of the magistrates as to the size of the "firlot" and other dry measures; and on the last-cited

page is an Act authorising an impost for the repair of the harbour. There is a similar Act for Anstruther-Easter at p. 232, connecting itself with an Act of Caution at p. 682. The grant of an impost to the inhabitants of Leith for repairing and upholding the bridge of that town is the subject of entries at pp. 339–340 and pp. 714–715. An Act fixing the price of wines in Edinburgh and the Canongate at 6s. per pint will be found at p. 227. Acts relating to the wool and cloth trade will be found at p. 230, p. 250, pp. 269–270, p. 274, p. 285, and p. 309,—some of these acts giving us glimpses of the difficulties in the way of the project for improving the cloth manufacture in Scotland by importing and settling a number of foreign families skilled in that manufacture. The King's debts and transactions with his creditors are the subject of entries at p. 245 (Thomas Foullis and others), pp. 498–499 (Foullis again), and p. 542 (superexpenses of the Prior of Blantyre in his late office of Treasurer). See also a proposal of Thomas Foullis among the *Miscellaneous Papers* at pp. 860–861. Repetitions of the customary Act anent the time for barrelling herring for export will be found at p. 277 and p. 428. There are Acts relating to the Cunyie and the Cunyie house, some of them important, at p. 285, p. 292, pp. 314–316 (Contract for setting the Cunyie in tack for a year), p. 336, pp. 528–529, and p. 540. At p. 288 is a complaint by a foreigner against certain persons for interfering with his monopoly in the manufacture of "amedone or stiffing"; and at pp. 306–307, on the other hand, is a complaint by the weavers of Edinburgh against a certain Dutchman, "quha is not only ane grose ignorant of thair said calling, bot alsua an unfrie persoun," for pretending to be "apt and experimentit in weaving of stuffis of all sortis," and for practising the craft under private licence from the King. Entries respecting customs on wines and other matters of import and export will be found at p. 291, pp. 353–354, p. 358, pp. 373–375, p. 426, p. 499, p. 510, p. 513, and p. 520. At p. 291 is an Act repealing all commissions of justiciary against regraters, forestallers, and usurers, on the ground that they have been inefficient and have led to abuses; and at pp. 499–500, in the

form of an action by Sir William Stewart, Commendator of Pittenweem, against a certain money-lender, named Jacob Barron, there is an example of what was then thought usury in excess. At pp. 391–392, continued at p. 394 and p. 398, is a curious story of a dispute between the bakers of Brechin and the magistrates of that burgh as to the liberty of trade and the proper supply of the burgh with bread. Acts affecting especially the municipality of Edinburgh will be found at p. 209, p. 274, p. 321, p. 322, and p. 486. The municipal affairs of St Andrews are the subject of one in particular at pp. 276–277, while a dispute between the inhabitants of that city and the factor for the Duke of Lennox figures in a number of Cautions at pp. 749–751.

Among the numerous entries in these pages yielding particulars of information respecting old Scottish life and domestic habits none perhaps are more worthy of attention than that at pp. 280–281 narrating an act of spulyie committed by a number of persons on the fortalice or chief house on the Island of Little Cumbray in the Firth of Clyde, and the little series of Acts at pp. 408–409, pp. 452–454, pp. 455–456, connected with a dispute between the Magistrates of Glasgow and the Masters or Professors of the College of Glasgow as to the administration of the revenues of the College. In the narrative of the spulyie on Little Cumbray, the damage of which is estimated in all at £4,776, 10s. 6d. Scots, the reader will find a minute inventory of the articles spulyied or destroyed in the various parts and chambers of the fortalice, with the values put upon each article or set of articles; and it is very seldom indeed that an old document supplies such exact data for a complete idea of the interior, the furnishing, and the accessories, of an ancient Scottish house of the larger and better sort. The entries relating to Glasgow College are no less interesting in another way. A Royal Commission having been appointed in June 1602, as we learn at pp. 408–409, for inquiry into the matters in dispute between the Magistrates of Glasgow and the heads of the University, one of the results, as appears from the entries at pp. 452–454 and pp. 455–456, was a re-modelling of the arrange-

ments for the income and expenditure of the College, with the appointment of a new "Iconomus" who should be responsible for carrying out the new regulations. While all the details are historically valuable, one reads with keenest zest "the Allowance "prescryvit be the Commissioneris to the Iconomus for halding "of the Common Table within the College." There we learn how Scottish Professors and students were expected to breakfast, dine, and sup in the old days when James VI. was King. For the residents in the College, it seems, there were to be two "messes" or tables,—an upper table for the five Masters or Professors, *alias* the Principal and the four Regents, and a lower table for the "bursars" or foundation-scholars, eight in number. The rations for the upper table, on ordinary days, called "flesh days," were to be as follows :—"The first meis, consisting of *the* "*five maisteris*, sall have to their disjoyne [breakfast] ane quhyte "breid of ane pund wecht in a sowpe, with the remanis of a peice "of beif or muttoun resting of the former day, with thair pynt of "aill [the old Scotch pint, equal to three modern English pints] "amangis thame. To thair denner they sal have ordinarlie quhyt "breid aneuch, with fyve choppins of sufficient guid and better [ale] "nor the common sell aill in the toun, with ane dische of bruise "[brewis, broth], and ane uther of skink or kaill, a peice of sodden "muttoun, another of beif, salt or fresche, according to the seasoun, "ane roist of veill or muttoun, with a foull or cunyng [rabbit], or "a pair of dowis [pigeons] or chikkins, or other siclyk [similar] "secund rost, as the seasoun gevis. And siclyk [the same or "something equivalent] to thair supper." For the lower table the fare was to be as follows :—"The *bursars* on the flesche dayis to "have for thair disjoyne, thrie and thrie, ane ait laif [oat loaf] in a "sowpe, quhairof thair salbe aucht scoir in the boll ; at denner twa "ait laiffis amang four, ane dische of kaill or bruise, ane peice of "beif, ane quart of aill ; and siclyk to thair supper." There was to be a variation of the fare at both tables, however, for those numerous days which continued to be observed in Scotland, even after the Reformation, as "fish days" or fasting days :—thus, "On fische dayis the *maisteris* to have for thair disjoyne ane "dische of eggs, with breid and drink sufficient ; at denner a dische

"of kaill, a dische of egis, with thrie dische of weill grathit fisch "or uther equivalent, with breid and drink as of befoir; and to "thair supper sicklyk. To the *bursouris* in sic dayis breid and "drink to thair disjoyne; and to thair denner breid and drink as "in flesche days, with ane dische of kaill, ane of eggis, another of "fische; and at supper siclyk." The distinction for the upper table, besides the much greater variety of the dishes, consisted, it will be observed, in the provision of wheaten bread instead of the "ait laif" or oat cake allowed to the bursars. On the whole, it is the "disjoyne" or breakfast at both tables that perplexes modern ideas most. Tea and coffee were necessarily absent; but what of milk? Unless milk is implied in the "sowpe" in which the "quhyte breid" or the "ait laif" was to be presented, there is no mention whatever of that article. Porridge also, which we should have expected at the bursars' table, seems to be completely absent; for it is difficult to construe "ane ait laif in a sowpe" as meaning ordinary porridge even without milk. What we see is some kind of sop of oat bread for the bursars, and a similar sop of wheat bread for the masters, with cold meat and ale in addition. On this they began the day in Glasgow in the year 1602,—the breakfast of the Glasgow Professors not differing much, it may be assumed, from that on which Shakespeare and other well-remembered Englishmen of that time were in the habit of beginning the day in London. The College dinner and College supper at both tables strike one as plentiful enough, with no lack of ale, though evidently that was the only liquid furnished at either table by the "Iconomus." If the masters wanted wine, it is pretty plain they had to provide it for themselves.

The affair of the Gowrie Conspiracy had not exhausted itself in its immediate consequences, or in its interconnection with the ecclesiastical history of the two years and eight months. In addition to the Acts already cited concerning the affair see one at pp. 212–213 and another at pp. 510–511. The last Act, in connection with which see the appended footnote, is directed against the whole kin and name of Ruthven, and especially against the two surviving brothers of the Gowrie family, and shows what relentless hatred the King continued to cherish against the family more

than two years after their forfeiture and degradation. While, however, it is this affair of the Gowrie Conspiracy that may be said to leave its trail over our present period as a whole, the Scottish criminal records of the same two years and eight months furnish several minor incidents of like historical notoriety. Such was the execution in April 1601 of Wood the younger of Bonyton on a charge of breaking into his father's house in Angus and stealing his papers and other goods (see p. 233 and footnote, with footnote at p. 235, and also pp. 692–3); such was the execution at the same time of Archibald Cornwall, town's officer of Edinburgh, for an act of disrespect in the street to a portrait of his Majesty (see footnote at p. 235); and such also was the tragical death of Francis Mowbray, son of the Laird of Barnbougle, in January 1603, in an attempt to escape from Edinburgh Castle, where he was lying a prisoner on a charge of conspiracy against the King's life (see Act of Caution at p. 700, and footnote at pp. 531–532). Less arresting now to the historian of the two years and eight months, but probably as much talked of at the time, were some returns of the plague or alarms of its return and extension. Notices of the plague and its whereabouts at different dates, or of results left by it, will be found at p. 289, pp. 311–312, p. 313, pp. 323–324, pp. 337–339, p. 345, p. 359, pp. 361–362, p. 376, p. 440, p. 510, and p. 521.

Occupied though the King was all through the two years and eight months with the affairs of his present little realm of Scotland, the larger realm of his hopes in the south was always looming in his view. See, in the first place, various Acts of the Privy Council relating to Tyrone's Rebellion in Ireland and to Scottish interests as affected thereby,—*e.g.*, the proclamation at pp. 252–253 against aid to Tyrone and the Irish Catholics from King James's Scottish subjects of the West Coast, the renewed Proclamation to the same effect at pp. 304–305, the prosecution at pp. 324 of certain men of Glasgow and Irvine for dealings with the Irish rebels, the Act at p. 330 nominating a Council of War for advising the King how to render active help to Queen Elizabeth against the rebels, the Proclamation at p. 339 against reset of deserters from the English service in Ireland, the Acts

at p. 342 and pp. 714–715 concerning some persons accused of traffic with the Irish Rebels, the Act at pp. 343–344 for levies of Highland troops to be sent into Ireland as auxiliaries to the English, and the indictment at p. 384 of the magistrates of Ayr and other western burghs for allowing contraband trade with the Rebels in Ireland. In these entries, if they are duly studied, more will be found than the mere regard which is professed for the King's "darrest suster" Queen Elizabeth, and for proper neighbourly amity between Scotland and England, as both Protestant kingdoms. There is discernible also a sense of personal concern on King James's part in the state of Ireland, as a country likely to be his own soon and therefore requiring vigilant attention from him in the meantime. Indeed, as may appear from the footnote at 353, the nature and methods of James's attentions to Ireland and to Tyrone's Rebellion there were not wholly such as he could avow at the time to Queen Elizabeth or publish in the form of Acts of Council. Apart altogether, however, from the incidental relations of Scotland to England through the Irish Rebellion, the records of the time afford evidence of King James's constant anxiety as to the prospects of his English inheritance. See at pp. 204–205, with the appended footnote, and with the subsequent footnote at pp. 249–250, the notice of the embassy of the Earl of Mar and the Commendator of Kinloss to Queen Elizabeth in the spring of 1601 for negotiation on the subject of the English succession; the Act at p. 231 concerning the embassy of Balfour of Burlie to the King of France; and the footnotes at p. 268, and Act and footnote p. 331, respecting the more important embassy to France of the Duke of Lennox in 1601–2, with Mr John Spotswood, minister of Calder, afterwards Archbishop Spotswood, in his company. No effort was spared by James to procure from Queen Elizabeth herself, on the one hand, that recognition of his title to be her successor to which she seemed so unwilling to commit herself formally and positively, or to obtain from the French King and other foreign potentates, on the other hand, promises of their support of his title by their influence among the English Catholics, or at least of their abstinence from opposition, when the throne should be

vacant. All the while, if the matter should come to the worst, James was still resolved that little Scotland should make a fight for it on her own strength. Hence, as before, the frequent mentions of Sir Michael Balfour of Burley and his privilege of the importation and sale of arms, with proofs, in prosecutions of persons of various ranks for not having purchased from Sir Michael their due outfit of arms, that the King and Council did not mean to let the Arming Acts remain a dead letter. For specimens see pp. 180–182, p. 193, p. 365, p. 466, p. 515, p. 542, p. 543, p. 546, and p. 548, with p. 669, p. 670, p. 674, and p. 690 among the *Acts of Caution*. The dates of some of these entries are as late as March 1603.

III. From March 1603 to March 1604.

The great news came at last. It was on the evening of Saturday the 26th of March 1603 that the English knight Sir Robert Carey, son of Lord Hunsdon, after a ride of incredible speed all the way from London to Edinburgh, galloped into the courtyard of Holyrood with the intelligence that Queen Elizabeth had died at Richmond on the morning of Thursday the 24th, and that James was King of England. Carey, in his anxiety to ingratiate himself with his new sovereign by being the first to bring him the news, had outstripped the formal communications to James sent by the English Privy Council and the associated authorities and dignitaries in London. Within thirty hours, however, these communications, containing a rebuke to Sir Robert Carey for having been so unmannerly as to anticipate them, also arrived, in the charge of Sir Charles Percy, brother of the Earl of Northumberland, and Thomas Somerset, Esq., son of the Earl of Worcester. They consisted of a copy of the Proclamation already made in London and Westminster, and then running fast through the rest of England, of James's accession to the vacant throne by his legal right of descent from his great-grandmother, the Princess Margaret, daughter of Henry VII. of England and wife of James IV. of Scotland, together with a Missive Letter of Allegiance from the English Privy Council,

signed by them individually, and conceived in terms of the most profound reverence for his new Majesty and the most eager desire for his presence in his new realm. See the documents at pp. 549–552, with the consequent Acts at pp. 552–554 passed by the Scottish Privy Council, one ordering proclamation of the great event to the people of Scotland, and the other intimating some regulation, in connection with it, in favour of Berwick-on-Tweed. See also, for additional particulars as to the circumstances of the proclamation of James in England and the reception of the great news in Scotland, the footnote at p. 554. Enough here that from the 24th of March 1603 King James VI. of Scotland was also King James I. of England, with all his long suspense on that subject at an end, and with no further necessity for keeping Scotland armed, whether by Sir Michael Balfour's agency or by any other, for the assertion of his English rights. The assent of Elizabeth to his succession, withheld or intimated but dubiously in her lifetime, had been signified on her death-bed; but it was observable that James always afterwards discouraged reference to this fact, or indeed to the memory of Elizabeth in any way, and preferred that his title to the English throne should rest on a divine right in his own person, derived, through his mother, from Elizabeth's predecessors.

Among the few Acts of Council preserved to us by the Haddington MS. Excerpts as having been passed in the month of March 1603 just before the great news of the Union of the Crowns the most important are that anent the augmentation of the duty of the Signet at p. 545, the Act in the same page in favour of the Earl of Moray, the Act at p. 547 forgiving Douglas of Spott for his old complicity with Bothwell and rehabilitating him in his rights in his native country, and the two Acts at p. 548 relating to inroads on England from the Borders and communications with England by sea. These last two Acts (with which connect entries at pp. 782–785 and 833) are dated March 26, 1603, two days after James was King of England, but while he did not yet know that fact. From their purport one guesses that the illness of Elizabeth and its probable issue were in the minds of James and his Council all through that Saturday on the

evening of which Sir Robert Carey rode into Holyrood with the news that she was actually dead. Then follow, in the Haddington Excerpts, the great cluster of entries, from p. 549 to p. 554, already cited, bringing us to Monday, March 28, 1603, or perhaps to Tuesday, March 29. It was then that all Edinburgh and the neighbourhood were in commotion over what had happened, and that the news was flying, in a track of bonfires on all the mountain peaks, west and north over the rest of the Lowlands, and away, by strath and glen, by loch, promontory, and sea-firth, to the remotest Highlands, the Hebrides, and the Orkneys.

From p. 554 to p. 560 of the Excerpts, bringing us to the 5th of April, we are in the bustle of the King's preparations for his departure from Scotland. What a week that was in Edinburgh! The public Acts of Council during the week, preserved for us, in abstract or in transcript, by the care of Lord Advocate Hamilton, are all of the nature that might be expected. Comptroller Sir David Murray of Gospertie and Treasurer Sir George Home of Spott having obliged the King by advancing money for the immediate expenses of his journey into England, there are Acts in favour of these two officials till they should be reimbursed. There is an important Act relative to the Lord Advocate and his office, naturally transcribed in full by Lord Advocate Hamilton, by which in future, for the more expeditious administration of justice in Scotland in the King's absence, the functions of the Lord Advocate might be exercised through deputies. There is an Act for entrusting the education of the King's second son, Prince Charles, who was to remain for a while in Scotland after the King's departure, to Lord President Fyvie; and there is an Act reconstituting the Commission for the management of the Queen's property in Scotland after she should follow the King into England. There is a proclamation for the observance of good order during his Majesty's journey. There is an Act confirming the government of the existing Privy Council of Scotland, authorising any seven of them to be a quorum in the King's absence for the transaction of business, and conferring on the body collectively the new and extended powers

required by the new circumstances. Finally, there is an Act entrusting one of the Councillors, Sir Patrick Murray, with the King's *cachet* or seal, for the signature of documents requiring that impress. These public Acts of the Council, however, are only a sample and indication of the press of employment through the busy week. For farther particulars, and for the incidents of the King's public leave-taking of his Scottish subjects in the High Church of Edinburgh on Sunday the 3rd of April, see the footnote at p. 558. Two days afterwards, on Tuesday the 5th, as the footnote at p. 560 records, there was the actual procession of the King's exit from Edinburgh, with his retinue of Scottish and English lords and courtiers, and amid thunders of farewell from the cannon on the Castle ramparts, for the first stage of his journey to London. Well might the sight thrill the nerves of the gazing crowds! To this day no one can compute the effects, whether on Scotland or on England, of that vanishing of Scottish royalty from its ancestral seat. Most obviously, it could have been predicted even then that the whole subsequent history of Scotland, at all events, would be affected by the change. No more would there be the familiar spectacle of a resident King and Court in Edinburgh or anywhere else within the Scottish territory; and, with the cessation of that spectacle, would not much else be gone, valuable or commodious hitherto on account of the private interests of many, or dear to the nation universally from immemorial custom? Scotland, it is true, remained still an independent nation, with her own laws and institutions, her own Kirk, her own executive and legislative apparatus of a resident Privy Council and occasional native Parliaments; but, as her sovereign was henceforth to be an absentee, would she not necessarily be governed henceforth, to a large extent, by alien and distant influences, and, as it were, through the post? Such were the questions, and such the forebodings, when James took his departure from his native capital. No assurances were wanting on his part to reconcile his Scottish subjects to the change and assuage their fears. He was lavish in his farewell distribution of honours, and in his promises of eternal affection for the kingdom of his birth. With but the two exceptions

mentioned in the footnote at p. 558,—the Act of April 3, 1603, proscribing the Macgregors, root and branch, for the recent slaughter of Glenfruin, and abolishing their very name, and the symptoms of antipathy still to Scottish Presbyterianism of the extreme type in something like a parting frown on such representatives of it as Andrew Melville, Mr Robert Bruce, and Mr John Davidson,—the demeanour of the King as he turned his back on Scotland was most gracious and consoling. His promotion to the position of higher power to which he had been called in the south would turn out, he begged his Scottish subjects to believe, to their advantage rather than their detriment. One of his promises, moreover, was that he would not be altogether an absentee sovereign, but would return soon and often. "Yee mister not doubt but, as I have a bodie as able as anie "King in Europ whereby I am able to travell, so I sall vissie "you everie three yeere at the least, or ofter as I sall have "occasioun." That promise was not to be fulfilled. Only once, and not till fourteen years after our present date, was James to revisit the land of his forefathers.

Though James and his retinue left Edinburgh on the 5th of April, and crossed the Tweed on the 6th, they were not in London till the 7th of May. For their route through England, and for incidents at various points of it, see the footnote at pp. 568–569; and for what remains of the Scottish Privy Council records during the month of the royal journey see the text from p. 560 to p. 568. The Council, it is to be understood, was now divided into two portions, each with an acting quorum,—the portion left resident in Edinburgh, and the portion that had gone with the King into England and attended him as his escort. As the Haddington Excerpts do not give the sederunts, we have to infer who were the Councillors left in Edinburgh from the lists in the footnotes at p. 560 and pp. 568–569 of the principal persons accompanying the King. The marginal datings, however, and the nature of the Acts themselves, inform us which of the recorded Acts of the month were by the resident Council in Edinburgh, and which were passed by his Majesty himself and his attendant Councillors at their various stopping-places and

sent north for registration. To the last set belongs the Act at pp. 560–561, passed at Berwick, and committing to the Privy Council of Scotland for the future "the pairt of baith the "cuntreyes quhilk of lait wes callit the *Mairches* and *Bordouris*, "and now, be the happie unioun, is the verie hart of the "cuntrey." To the same set belong the Act, noted at p. 561 as having been passed at Newcastle, "anent the keeping of ordour "in his Majestie's journey," and the proclamation against the surviving Ruthvens and their resetters noted at p. 567 as having been ordered at Standen. The Gowrie Conspiracy had, for some reason or other, recurred to his Majesty's mind at this point of his progress into England; and this was his Parthian shot on that subject back into Scotland. Of the preserved Acts of the month passed by the resident portion of the Council in Edinburgh some are of an ordinary judicial or administrative kind. Two of these, which must have seemed of some importance to Lord Advocate Hamilton, inasmuch as the Haddington Excerpts give them in full transcript, are that at pp. 563–564 respecting a dispute between the Regality of Falkirk and the Town of Stirling, and that at pp. 564–566 respecting an action against Samuel Blackburn, burgess of Edinburgh. Of greater political interest, and bearing more on the new conditions of Scotland consequent on the King's departure, are the Proclamation at pp. 561–562 of the determination of the resident Council to exercise most strictly throughout Scotland the powers of government entrusted to it by the absent King, the two curious Acts at pp. 566–568 arranging for regular postal communication between Edinburgh and England, and the Proclamation at p. 568 against dispersing false news or malignant rumours respecting matters of State.

From the King's arrival in London on the 7th of May, 1603, to the point at which our present volume closes, is a period of eleven months. In the Haddington Excerpts we have but a selection of the Acts of Council during those eleven months; but the Acts appear to have been selected with good judgment. They touch the chief incidents of historical note; they are lively with traces of the coming and going that had now become constant

between the Scottish Executive in Edinburgh and the King amid his new English surroundings; and they enable us to see Scotland in the beginning of her experience of that new kind of government, definable mainly as government through the post, which had become her portion from the moment of the Union of the Crowns.

Most of the Acts recorded, in copy or in abstract, between p. 568 and p. 605, emanated, it is true, from the Privy Council in Edinburgh, and bear the stamp of native and resident authority. A number of them, it is also true, are Acts of ordinary administration, and would probably have been much the same in terms even if the King had still remained in Scotland. Such are the judicial decreet at pp. 568–569 in the case of a charge of unlawful muir-burning, the decreet in the case of the Lord and Lady of Fernihurst at p. 572, that for the confiscation of a ship and cargo at pp. 572–574, that relating to Douglas of Spott at pp. 574–575, an Act of Caution at p. 797 consequent on the Act proscribing the Macgregor name and clan, another Act in the same connection noted among the *Miscellaneous Papers* at pp. 862–863 under date August 4, 1603, and various subsequent Acts—*e.g.*, that at pp. 582–583 against David Wemyss for assault on a minister, that at pp. 592–593 in the case of Samuel Blackburn and the Laird of Curriehill, the decreet respecting the customs at pp. 598–599, nearly all the Acts and decreets given by their titles at pp. 599–602, and the Act at p. 602 giving liberty of market in Edinburgh to the wrights of the Canongate. Such also perhaps are the Acts at p. 575 discharging the Presbytery of Paisley from proceedings against a minister who had appealed from an ecclesiastical decision to the Court of Session, the longer and more strongly-worded Act at pp. 586–589 annulling a decision of the Presbytery of Arbroath and censuring that body for clerical excess and presumption, and the Act at p. 598 charging the Marquis of Huntly to arrest and produce before the Council certain Jesuits and Popish priests to whom he had been giving protection in Aberdeenshire. These Acts are only in accordance with that policy of control over the Kirk and supremacy in Kirk matters which the King had

already established, and for the continuance of which in his absence the Council knew themselves to be responsible. Even with that allowance, however, one may discern in the language of the Acts, and especially in the strong wording of that in censure of the Presbytery of Arbroath, some consciousness on the part of the Council of the increase of his Majesty's power in Scotland by his accession to the throne of England. At all events, one has only to pass to others of the Acts of Council during the same eleven months from May 1603 to March 1604 to be aware of the influence of the new situation. In Act after Act from p. 568 to p. 605 the reader will find the Council either shaping its measures by occasion or suggestion furnished by the new connection with England or formulating positive instructions transmitted from England by the King. Let us collect the more important specimens in a paragraph or two.

At pp. 570–571 is another Act arranging for regular postal conveyance of letters and packets on his Majesty's service between the two countries. At p. 571 are the titles of two Acts by the Council at Stirling, of date May 23, 1603, one relieving the Earl of Mar from his guardianship of Prince Henry, the other ordering the delivery of the Prince to the Duke of Lennox, to be conveyed by the Duke safely into England. As explained in the footnote at pp. 571-572, these Acts had been occasioned by a quarrel between the Queen and the Earl of Mar after his Majesty's departure on the subject of the custody of the Prince, the Queen having taken the opportunity to make another attempt to get the Prince into her own keeping, and the attempt having been resisted on the Earl's part by his family. That matter having been settled, by instructions from the King, in the manner provided for by the two Acts, the subsequent footnote at p. 572 tells of the departure of the Queen and the rest of the royal family, in the beginning of June, to join his Majesty in England, with the exception only of Prince Charles, afterwards Charles I., who was left behind for the while as too weak to travel. Before they had gone, as will be seen from an entry in the text at p. 572, there had been an addition to the Privy Council of three new members,—Sir David Lindsay of Edzell, Archibald Douglas

of Whittinghame, and Mr David MacGill of Cranstoun-Riddell. Such recruiting of the Council was probably rendered necessary by the absence of so many Councillors in England in attendance on the King. The two entries at pp. 575-576 relating to the few pieces of furniture that had been left by the King and Queen in Holyroodhouse are a touching record of the state to which the Palace had been reduced by the royal "flitting"; and the second is curious for its specification of a part of the palace by the name of "the trans be the quhilk thai gang to the wyld bestiall," showing that there must have been a small zoological collection of some kind about Old Holyrood. Consciousness of full vicarship now for his absent Majesty appears in the Proclamation at pp. 576–577 prohibiting private combats or the wearing of arms within a mile of any meeting-place of the Council, under the same penalties as had hitherto been applicable to these offences near his Majesty's place of residence. The Act noted at p. 577 exempting an English trader from the payment of custom signifies the new feeling of relationship between the two nations. Evidently prompted by definite instructions from England is the interesting Proclamation at pp. 579–581 against the reset in Scotland of Sir Griffith Markham and other English fugitives implicated in what is known as the Cobham Conspiracy or Cobham-and-Raleigh Conspiracy. For an account of this conspiracy see the footnote at p. 581. The facts are rather obscure, but seem to prove the existence in England of a considerable party of politicians who had secretly dissented, at the moment of Queen Elizabeth's death, from the general agreement to call in the Scottish King as her successor, and some of whom, having been baulked of their purposes at that moment, endeavoured afterwards to wreck the English Government of James in its infancy. The most memorable name in the story of the conspiracy now is that of Sir Walter Raleigh. For the peculiar form of the tradition that this eminent Englishman was opposed to the accession of James, and thought any experiment would be better and more honourable for England than continued monarchy under a King from Scotland, and also for Raleigh's supposed connection with the Cobham Conspiracy, see the footnote just cited.

Certain it is that, whatever other consequences the reign of James brought for England, one of them was the eclipse and degradation of the hitherto conspicuous Raleigh. For the fates of those who were tried for the Cobham Conspiracy, and for Raleigh's among them, see the subsequent footnote at p. 590.

The intervening pages of text between the two footnotes, covering the months of August, September, October, and November, 1603, ought to be carefully studied. They contain several Acts of the highest importance as illustrating the effects by that time of King James's residence in England upon his notions of ways and means for the more efficient government of Scotland. Whether from English advice, or from the observation of English practice, he had obtained new lights; and no time was lost in giving Scotland the benefit of these. What a remarkable innovation, for example, upon the Scottish social system was that instituted by the Act of August 11, recorded at pp. 581–582 as having been passed by the Scottish Council at Edinburgh, in consequence of a royal commission sent north from Windsor with the signatures of the King and fourteen of the Scottish Councillors who were then with him! By this Act, registering and incorporating the commission, Scotland, from and after the 15th of the following month, was to be provided with a flying police for the execution of all the decreets and ordinances of the Council, in the form of a body of forty well-equipped horsemen, under the command of Comptroller Sir David Murray of Gospertie, to be ready at a moment's notice to ride anywhere and do anything. One wonders why so evident an improvement upon the wretched prior constabulary of mere King's officers and Sheriff's officers, sent individually on missions hither and thither to denounce or arrest culprits, with powers to call in the aid of neighbouring authorities, was not thought of and attempted before. The Comptroller's new guard of flying police became at once, we can see, a most powerful agency of order, available for all sorts of work. Thus, at pp. 584–585, while the new force had not yet come into operation, but Sir David Murray was only levying it, we find the Council announcing to the lieges, in the shape of a new "Proclamation against Horners," one use to which it would be

put. "Horners," as the reader knows, was the name in Scotland for all persons "at the horn,"—in other words, for all persons standing out in denounced disobedience to the decrees of any of the law-courts, or fugitive from the laws for any kind of offence, from simple debt to murder or treason; and for years past, as the reader will recollect, there had been orders of the King and Council for returns of lists of these "horners" from all the shires, that it might be known what proportion of the entire population was thus in a state of "rebellion," and what remedies could be applied. Here, five months after James had migrated to England, was another of those seemingly stereotyped proclamations against "horners," but with a novelty in it which must have carried terror to all concerned. The King's new flying guard of forty horsemen was to be let loose upon the "horners," or, as the Proclamation expressed it, was "to be in reddines at all "occasiounis to hunt, follow, and persew all and quhatsumevir "rebellis within this countrie, without respect of persones, quhither "thair rebellioun be for civill or criminall caussis, and to tak thair "houssis and uplift thair eschaitis as they salbe directit and com-"mandit." The same threat of the new armed guard probably underlies the renewed Proclamation which immediately follows at pp. 585–586, under date September 20, against the wearing and using of fire-arms. By the King's previous exertions, we learn from the proclamation, this "barbarous and schamefull custome "of beiring and weiring of hacquebuttis and pistollettis," long peculiar to the kingdom of Scotland, "without the example of "ony uther cuntrie or commounwele," had been brought almost into "dissuetude"; but, as it had revived since his Majesty's removal to England, the new ordinance intimates the determination of the Council to put it down by the most stringent exercise of all their powers. Next, under the same date, at p. 588, follows another ordinance specially declaring that the new Armed Guard is the constabulary on which the Council is in future to depend, and commanding all magistrates and the lieges generally to concur with the Guard when required. Passing thence to the month of November, we find, at pp. 589–592, besides mere note of a "Warrand to the Gairde for appre-

hending of rebellis," full copies of two more Acts of Council indicating the strength of the stimulus from England. One, entitled "Act anent the fynning of personis," is the registration of a missive and warrant from the King enjoining on the Scottish Privy Council more use than hitherto of pecuniary fines in punishment of breaches of the peace. The wording of the missive letter which the Act registers and incorporates seems to imply a confession by the King that it was in England that he had picked up this lesson in jurisprudence. The other Act repeats the order for the employment of the new Armed Guard universally against horners, specifying the burgh of Dumfries and the West Wardenry generally as a very fit district for the first experiment of the prowess of the Guard in "ordour-taking" with such outlaws.

The same sense of a new administrative stimulus from England, with the same vision of Sir David Murray's new Scottish constabulary of forty horse on the gallop hither and thither on the highways from Edinburgh, in full force or in detachments, carrying out the orders of the Council, follows us into those pages which contain the Haddington Excerpts for the early months of the year 1604. At least two instances may be noted in these pages of the actual employment of the new guard on special services. One is in enforcing the decreet against the Laird of Curriehill in the already mentioned civil case between him and Samuel Blackburn. See the order at pp. 592–593. The other, which is of greater historical interest, is pendent from an entry in the text at p. 600 in the form of a footnote. It was into the clutches of the new armed guard, it will there be seen, that Alexander Macgregor of Glenstrae, the chief of the doomed Clan Gregor, found himself transferred after he had surrendered to the Earl of Argyle; and his dying protest, when he and ten of his clansmen were hanged together on the same gibbet in Edinburgh on the 20th of January 1604,—himself his own height above the rest,—was that, had he foreseen such a change of custody, he would never have surrendered to the Earl, and might still have been defying pursuit, in cave or by waterfall, somewhere on his native heather. The Acts of Council

of greatest general significance, however, in the pages that record these specimens of the first services of the new constabulary, are that "Anent deidlie feidis," at pp. 594-596, under date January 5, 1604, and that at pp. 602 603, under date February 4, in the form of a "Proclamation that nane repaire to England without licence." In the first of these Acts, evidently passed by direct inspiration from his Majesty, the Council, in his name, reminds the lieges of the unremitting and most laudable efforts of his Majesty, "since his first coming to yeiris of perfectioun," in the great task of removing from Scotland "all sic customis, faschiounis, "and behaviouris as did in ony wayis smell of barbaritie "and sevegnes," and especially in putting down that "usuall consuetude of deidlie feidis" which had been prevalent among the Scottish nobility and lairds. And now, "his Majestie willing "his guid resolutioun anent the remove of the saidis feidis to be "continewit and prosequte," his Council in Scotland, "efter ane "note to be takin be thame of the haill feidis at the present within "the said countrey," are to call the parties before them and do their utmost to extinguish the last relics of this "detaistable" form of barbarism. In applying the Acts of Parliament against Feuds, however, they are not, as heretofore, to trust to the method of mere Bands and Cautions of mutual assurance between the parties at feud. His Majesty, meditating on that subject, with the advantage of his new lights from English ideas and example, has come to the conclusion that the system of mutual assurances among subjects in such cases is not only inefficacious, but also derogatory to his own sovereignty and unworthy of a civilised government. Does not "the verie subscriptioun of ane assurance" by two parties at feud grant the existence of the feud; and is a Prince to stoop so low as thus to refer the preservation of peace and good order in his dominions to the mutual promises and obligations of self-confessed criminals, "as gif the "law did not astrict ony man to keip his Majesteis peice, bot "the respect and regaird of thair awin particular band of assur-"ance sould move thame thairto, and as gif, at the ische and "expyring thairof, full libertie and licence wer grantit unto thame "without controlment or reprove to do quhat thay list?" His

Majesty's instructions to the Council, therefore, are that, in their future dealings with parties at feud, of whatever rank, they shall resort, when necessary, to the methods of imprisonment and fines in "greit and huge sowmes," so as effectually to teach the unruly that it is to the State and not to each other that they owe their obligations. Less obviously induced perhaps than this new Act against Feuds by his Majesty's reflections with himself in his new English circumstances, but still betraying that influence, is the curious "Proclamation that nane repaire to England without licence." Not only had James taken a number of Scotsmen in his train when he himself migrated into England; not only in the intervening months had his chief Scottish Lords and Councillors been going and coming officially at a great rate between Edinburgh and the English Court; but, from the first moment of his settlement on the banks of theThames, there had begun that general tendency of adventurous Scots southward, whether with suits and supplications to the King or on the mere chances of improved fortunes among the rich English, which has been proverbial ever since. Already this shoaling of "hungry Scots" into England, this invasion of the London streets in particular by gaunt Scottish figures and physiognomies and by the accents of the Scottish voice, was a subject of popular jest and satire, and even of popular complaint, among the English. James himself was annoyed by the irrepressible disposition of so many of his countrymen to follow him, and to gather round him, wherever he was, for his kindly countenance and their own benefit. Hence the present Proclamation, forbidding any Scotsman to cross the Tweed in future, or take ship for any English port, any more than for any foreign port, without an express Privy Council passport. Persons in official situations, judicial or other, seem hitherto to have been the chief offenders; for it is against such, and on the plea that by absenting themselves from Scotland they were neglecting their duties, that the Proclamation is ostensibly directed. But the prohibition was universal. How little it availed for the purpose, or indeed subsequent and stricter orders to the same effect, and how the flocking of Scots into England continued to annoy James through all the rest of his

reign, must be known to all who have read *The Fortunes of Nigel*, and remember the London adventures of the young Lord Glenvarloch and his follower Richie Moniplies.

While most of the Haddington Excerpts for the eleven months from May 1603 to March 1604 are copies or abstracts of Acts issued by the Scottish Privy Council in Edinburgh, several entries in the same pages bear English datings, and contain orders sent north by the King himself, whether in the form of Acts passed by him in conclave with the Scottish Councillors attending him in his English Court, or in that of royal letters and mandates in his own name. Of the first sort are the two entries at pp. 577–578, dated Windsor 5th July 1603,—one of an Act relieving the Earl and Countess of Linlithgow of their guardianship of the Princess Elizabeth, and the other of an Act composing the recent quarrel between the Queen and the Earl of Mar occasioned by the Queen's attempt at Stirling to take Prince Henry out of the Earl's keeping into her own. In connection with both Acts see the footnote at p. 578. Another direct interposition by the King himself in Scottish affairs is that recorded at pp. 833–834, in the form of a Commission from his Majesty, dated from Westminster July 7 and 20, 1603, modifying the previous Act at Berwick of April 7, by which the government of the whole region hitherto known as "the Borders" had been made over to the Scottish Privy Council generally, and appointing Lord Home to be Lieutenant and Justiciary for his Majesty in what had hitherto been specially the Scottish Borders of "The Three Marches." Of far greater consequence than any of these Acts, however, is the Royal Letter at pp. 596–597, dated Hampton Court 12th January 1604, ordering the Scottish Privy Council to call a Scottish Parliament, and giving instructions for the conduct of that Parliament. The document is of the highest interest politically.

From the time of the succession of James to the crown of England nothing had been more at his heart than that the Union of the Crowns should be followed as speedily as possible by a complete and perfect Union of the two Kingdoms and Peoples. How rapidly he had grasped the conception of such a

possible union appears from the language of his very first proclamation to his Scottish subjects after the news of his English succession had reached him (pp. 552–554), and still more clearly from his parting words to his Scottish subjects two days before he had left Edinburgh (footnote, p. 558). The topic on which he had dilated in these parting words was the disappearance thenceforth of all real distinction between Scotland and England, their identity thenceforth as but integral portions of the one island of Great Britain. He had carried this idea with him into England, and had cherished it there till the desire to see it realised had become his ruling passion. By the 12th of January 1604 he had thought of the best means; and what these were he intimates to the Scottish Privy Council in his Letter and Mandate of that date, probably composed in the main by himself. "For that oure equall ryght to boith the crownis," he there says, "mon neidis affect us with as equall cair to boith thair weillis, "and that, being now joyned togidder under ane head, as thay "haif bene of lang tyme past in ane religioun, ane language, "and ane commoun habitatioun in ane Ile disjonit fra the great "Continent of the world, oure princelie cair mon be extendit to "sie thame joyne and coalesce togidder in a sinceir and per-"fyte unioun, and, as two twynis bred in ane bellie, love ane "another as no moir twa bot ane estate,—we haif to this effect," &c. In short, he had called an English Parliament for the consideration, on the English side, of this great subject of a union of the two nations; that Parliament was to meet about the 20th of March, and would probably, after approving of the general principle of such a union, appoint Commissioners for deliberation over the practical arrangements; and what he now required and ordained was that a Parliament should meet in Scotland about the 10th of April, expressly and solely for the consideration of the same great subject from the Scottish side, with a view to similar general approval of the principle, and to the appointment of a similar body of Scottish Commissioners. The letter closes with a reiterated expression of the King's personal enthusiasm for the projected union. "Our fame and reputatioun throuch the "world, oure honnour to be the workair of it in our tyme, and

"the unspeakable benefeit that mon redound thairof to this haill "Ile, gois so deiplie in oure consait," he says, "as in the greatest "subject we can putt in our handis." Two months later, when the English Parliament did meet, James was still in the same mood. How strongly he recommended the subject of the Union to that Parliament may be seen from the footnote at pp. 604–605, while the entry in the text at p. 604 under date 23rd March 1604 will show that James was already by that time somewhat disappointed by the slowness of the English Parliament in responding to his views. As it was necessary that the English Parliament should discuss the subject first, the meeting of the Scottish Parliament, which had been called for April 10, was then prorogued till April 24. What happened then we need not anticipate here. Enough that at the end of March 1604, when our present volume closes, both Scotland and England were astir, rather to please King James than themselves, with the question of the possibility of converting the happy union of the crowns in his person into an occasion for a still happier and more intimate union of the two bodies-politic. James had underrated the practical difficulties of the project; but there can be no doubt that, had the matter depended on his will alone, there would have been accomplished in his reign some form of that great consolidation of the two kingdoms which was not brought about till a century later, in the reign of Queen Anne, and even then not without reluctance and uproar on the part of Scotland.

The last entry in our main Register is a copy of a Royal Letter from Royston, of date March 31, 1604, ordering the admission of the Master of Montrose, the eldest son of Chancellor Montrose, to be a member of the Scottish Privy Council. Memorable on its own account, inasmuch as this Master of Montrose, afterwards Earl of Montrose, was the father of the great Earl and Marquis of Montrose of later days, the incident reminds us also that we are not yet out of that period of Scottish History which takes its name from the fact that the grandfather of the future great Marquis was the official head of the administration. At the end of March 1604 we are still in The

Chancellorship of Montrose, and the Earl of Montrose is still the supreme minister of the King and the chief dignitary of the Scottish realm. There had been signs, however, that the Montrose Premiership was not to last much longer, and that another Scottish statesman was rising to the place of supreme favour. This was Lord President Fyvie. One of the ablest and most assiduous members of the Montrose Administration from the first, he had recently been selected by the King for special marks of confidence and honour. He had been re-appointed at the head of the new Commission for the management of the Queen's property in Scotland (pp. 556–557); it was in his charge that the young and weakly Prince Charles, afterwards Charles I., was left in Scotland, for the care of his health and education, till he should be old enough and strong enough to join the rest of the royal family in England (p. 556, and footnote p. 572); and it was to him that the King's *cachet* or seal, for the signature of Scottish documents requiring that stamp, was finally transferred, after it had been entrusted for some time to Sir Patrick Murray (p. 579). In the royal mandate, also, of January 12, 1604, for summoning a Scottish Parliament for consideration of the Union, it is specially mentioned that the King had chosen Lord Fyvie to represent him in that Parliament as Vice-Chancellor, if Chancellor Montrose should not be able to be present. Evidently, while the King had about him in England and expected still to have about him there, more or less permanently, his kinsman the Duke of Lennox and some others of the great Scottish lords (see p. 578 and p. 582 for lists of those who were with him at Windsor in July 1603, and see p. 864 for glimpses of the Marquis of Huntly and the Earl of Argyle as back in Scotland before February 1604), it was to the Earl of Montrose and Lord Fyvie, jointly or severally, that he meant to depute in future the chief management for him of the resident Scottish administration. Montrose retained the honorary superiority meanwhile; but Fyvie was the real man of mark now in the King's regards, and was soon to supersede Montrose even in the Chancellorship itself. That, however, is a story for another volume.

The preparation of the present volume has been an unusually arduous task, and has involved no ordinary amount of labour on the part of my respected assistant, Mr James Grant, M.A. For the energy and ability of his continued co-operation with me throughout in arranging and condensing, for his resolute attention to accuracy of deciphering and transcript, and for the vast pains he has taken with the Index,—which important part of the volume is wholly his,—I owe him special acknowledgments and thanks. Nor ought I to end without a reiterated expression of my gratitude to Mr Thomas Dickson, the head of the Historical Department of the Register House, for his unfailing interest in the progress and issue of these volumes of the Privy Council Register, the kindly courtesy with which he has permitted Mr Grant and myself to consult him at all points, and the valuable aid we have derived from his advice and suggestions.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1599–1604.

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REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA 1599.

Book of Sederunts, 1598–1609. Fol. 11, a.

Sederunt—Cancellarius; Uchiltrie; Fyvie; Thesaurarius; Secretarius; Murdocairny; Kinlos; Dunkeld; Clericus Justiciarie; Advocatus; Custos Secreti Sigilli; Fentounbarnis; Clericus Registri; Cesfurde; Spott. Edinburgh, 5th June 1599.

[No record of proceedings.]

Reg. Sec. Con., Acta 1598–1601. Page 71.

Sederunt—Cancellarius; Angus; Uchiltrie; Fyvie; Thesaurarius; Secretarius; Murdocairny; Advocatus; Clericus Justiciarie; Clericus Registri; Collector. Edinburgh, 7th June 1599.

To denounce James and Thomas Hardy for not appearing to a charge of theft.

Complaint by Mr Patrick Hepburne of Smetoun, and Johnne Gylour, miller at the mill of Prestounkirk, his tenant, that, the said Johnne having delivered to Philp Nesbitt in Garvet four oxen in "girssing," price of each £30, James Hardy in Bounmylnrig, and Thomas Hardy, his son, with

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their accomplices, in August last, came to the lands of Garvett, and theftuously carried the goods away to Thomas Batie in the Dodis, James Wode there, and Archibald Miller there, who resetted them, knowing them to have been stolen.—The pursuer appearing personally, James and Thomas Hardy, for not appearing, are to be denounced rebels.

To denounce William and Gilbert Wauchop for non-appearance.

Williame Wauchop, son of Johnne Wauchop, bailie of Nudrie, and Gilbert Wauchop, his son natural, having failed to appear this day as charged to subscribe an assurance to Andro Edmestoun of that Ilk, are to be denounced rebels.

Decree against Douglas of Drumlanrig and his cautioners.

Complaint by Frances, Earl of Erroll, Alexander, Lord Levingstoun, and Mark, Lord of Neubottle, donators to the liferent of James, Lord Hay of Yeister, and by Cunynghame, son of Johnne Cunynghame of Birkshaw, and by the said father, as lawful administrator for his said son, as follows:—Upon 26th May last they obtained a decree against Sir James Douglas of Drumlangrig, ordaining him to satisfy, at least to cause Johnne

Johnnestoun and Robert Loury (whom he confessed to be his men) to satisfy, the said Johnne Cunynghame for the plenishing of his house, together with his and his wife's "abuilyiementis," reft from them by the said Johnne (*see* vol. v. p. 457), and also to remove the said Johnne and Robert furth of the twenty shillingland of Sned, called Nether Bordland, wherein they had wrongously intruded themselves, and from which they had dispossessed the said Johnne Cunynghame, and also decerning the said Sir James to remove James Johnnestoun of Lochhouse from the possession of the said lands, and not to reset him. Although the complainers caused charge the said Sir James to fulfil the said decree, yet no part of the same is fulfilled; but ever since the date of the said decree [the said James Johnnestoun is entertained by Douglas as his household man. In these circumstances the complainers crave execution against the cautioners of Sir James, as well for entering the said Johnne Cunynghame in the said lands as for the pain of £10,000 specified in the act of caution which has been contravened.—The pursuers appearing by Alexander Cunynghame, their procurator, but the said Sir James, and Robert Dalzell, elder of that Ilk, and Robert Dalzell, younger of that Ilk, his cautioners, failing to appear, the Lords decern the said principal and his cautioners to have incurred the said pain, and also ordain them to remove the said James and Johnne Johnnestonis and Robert Loury from the said lands, and to enter Cunynghame therein.

Acta 1598–1601.

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To denounce Kirkpatrick of Closeburn for not producing one of his vassals.

Supplication by Williame Cranstoun, saddler, burgess of Edinburgh, as follows:—Upon 10th January last Williame Kirkpatrik of Barmure was put to the horn at his instance for not relieving him at the hands of Johnne Cunynghame, goldsmith, burgess of Edinburgh, of certain sums of money. As the said Williame remains as yet unrelaxed, petitioner prays that Thomas Kirkpatrik of Closburne, whose vassal and depender the said Williame is, shall be made answerable for him.—The pursuer appearing personally, the said Thomas, for neither appearing himself nor having produced the said Williame, his brother, is to be denounced rebel.

To denounce the Laird of Johnstone for not producing certain of his servants.

Page 76.

Complaint by Johnne, Commendator of Saulsett, Symon Johnnestoun, his brother, and Johnne Johnnestoun, student, their assignee, as follows:—Sir James Johnnestoun of Dunskellie, having been charged at the instance of the said Commendator and his brother to enter them into the lands of Courlandis and the half of the lands of Over Garuald, conform to a decree obtained by them before the Lords of Session, had obliged himself as principal, and Margaret Scott, his mother, as surety for him, to enter them to the said lands, under the pain of £5000. The said Sir James, by the instigation of Patrik Grahame, his servant, still troubled them in the possession of the said lands till they had paid him and his said servitor 900 merks and £28, for which sum he had engaged to defend them in the possession of the said lands. Nevertheless, on 8th November last, the following persons, his domestic servants, viz., Symon Johnnestoun, his brother natural, Adam Johnnestoun in Hesliebrae, Williame Johnnestoun in Mollene, James Johnnestoun in Hesliebrae,

Acta 1598–1601.

James Johnnestoun, son of David Johnnestoun in Nether Garvall, Johnne Johnnestoun in Dubis, Williame Johnnestoun, son of the said James Johnnestoun in Hesliebray, and Niniane Johnnestoun in Rowantrie Know, with their accomplices, all rebels and fugitives for "cruell murthouris, thiftis, reiffis, heirschippis, and depredationis," came, at the direction of their said master, to the said lands of Curane and Garvall, ejected the said Commendator and his brother furth thereof, "removit and kaist furth of the same Cuthbert Johnnestoun, thair bruther, being ane impotent and decrippit persone of fourscoir tuelff yeiris," and Andro Johnnestoun, their brother-son, possessors of the same lands, and intruded themselves therein, and intromitted with the following
Page 77. goods, to wit, 40 bolls of oats with fodder, worth £8 per boll, 7 cows worth £20 each, 40 "yowis" worth 50s. each, 2 horses worth £20 each, and the plenishing of their houses, worth £200.—The Commendator appearing for himself and the other pursuers, Sir James, for neither appearing nor having entered the said persons, is to be denounced rebel.

To denounce David Gray and others for not appearing to a charge of deforcement of a herald.

Complaint by Laurence, Lord Oliphant, and Williame, Earl of Mortoun, Johnne, Earl of Mar, Alexander, Lord Home, and Williame Oliphant of Gask, tutors and curator to the said Lord Oliphant, for their interest, as follows:—Upon 31st March last, David Gray, son of Gray of Scheilhill, Thomas M^cGibbun, servitor to Johnne, Master of Oliphant, Williame Miller, also his servant, Williame Flouris in Drumkilbo, Hew Hammiltoun, servant to Captain Gray, Robert Gray, brother of Gray of Queith, and Robert Ramsay in Foullis, with convocation of the lieges, all armed with hagbuts and pistolets, came to the said Lord Oliphant's house of Newtyll, violently broke up the gates thereof, surprised the same, and fortified and kept it a long time "as ane house of weir." Whereupon letters had been directed with a herald for charging them to render the said house. While the letters were being executed by the said herald "with his displayit coitt of armes," the said persons shot hagbuts and pistolets at him furth of the said house, on set purpose
Page 78. to have slain him. They had thus treasonably refused to deliver the said house till they understood that the sheriff of the shire was coming with his whole forces, by his Majesty's direction, to recover it; "and sua, for feir of that persute," they left the said house.—Charge had been given to the foresaid defenders (except Hew Hammiltoun and Robert Gray) to appear and answer; and now, none of those charged appearing, while the pursuers appear by Andro Kneland, their procurator, the order is to denounce the defaulters rebels.

Act in favour of Edmeston of that Ilk anent assurance.

Andro Edmestoun of that Ilk, having, at the request of the Lords of Council, subscribed an assurance to Williame and Gilbert Wauchopis, sons of the bailie of Nudrie, represents that these persons, albeit the said Lords had ordained the assurance to be mutual, have subscribed no assurance on their part, and prays that an act may be passed declaring the assurance he has subscribed to be ineffectual till the said persons subscribe the like to him. The Lords grant the prayer.

Edinburgh, 12th June.

Sederunt—Cancellarius; Angus; Uchiltrie; Thesaurarius; Secretarius; Murdocairny; Dunkeld; Clericus Justiciarie; Advocatus; Kinlos; Collector; Clericus Registri; Spott. Sederunts, Fol. 11, a.

[No record of proceedings.]

Leith, 15th June.

Sederunt—Rex; Cancellarius; Angus; Levingstoun; Uchiltrie; Fyvie; Neubottle; Thesaurarius; Secretarius; Murdocairny; Dunkeld; Kinlos; Fentounbarnis; Clericus Justiciarie; Clericus Registri; Advocatus; Cesfurde; Tracquair; Spott; Carmichaell. Sederunts, Fol. 11, b.

[No record of proceedings.]

Edinburgh 19th June.

Sederunt—Cancellarius; Angus; Fyvie; Murdocairny; Advocatus; Collector; Kinlos; Clericus Justiciarie[1]; Clericus Registri. Acta, p. 78.

A certain Frenchman assoilzied from a charge of deforcement.

Complaint by Gassiot Perennie, merchant in Burdeaulx, as follows:— Robert Balloch, messenger, alleges that, "being in the executioun of his Majesteis letters of arreistment within the burgh of Dundee," he had been "deforceit be certane inhabitantis of the said burgh. Having apprehended the complainer lately in Edinburgh, he had "causit arreist him to warde as ane of the allegeit deforcearis" till he had found caution to answer to the said charge when required. Now, although complainer has often craved to be pursued by the said officer in order that his cautioner might be relieved, yet the said officer has delayed pursuit, always waiting, as appears, till the complainer shall depart this realm, and "swa in his absence to fashe and trouble him." As complainer is "now upoun his preparatioun for his depairtur and passing hame," and will not return to this country this year, he prays for remedy.—Balloch not appearing, the Lords assoilzie the said Gassiot simpliciter in time coming, and free his cautioner. Page 79.

To denounce the Sheriff of Teviotdale for disobedience.

Complaint by Hector Turnbull of Wauchop, as follows:—Gilbert and Hector Loranis, father-brothers of Hector Lorane of that Ilk, had been put to the horn in default of finding surety for their appearing before the justice to underlie the laws for art and part in the cruel slaughter of David Turnbull, apparent of Wauchop, the complainer's eldest son. At last, "he haveing apprehendit thame, and being myndful to have presentit and enterit thame to justice for the said slauchter," James Douglas of Cavers, sheriff of Roxburgh, violently took the said persons from him; and, although the complainer has received divers letters from his Majesty commanding Douglas to enter the said persons, yet he refuses.—The pursuer appearing personally, Douglas, for neither appearing nor having presented the said persons, is to be denounced rebel. Page 80.

Prosecution of MacKenzie of Kintail.

Sir Williame Steuart of Houstoun, commendator of Pittinweyme, Spence of Wolmerstoun, and Thomas Cunynghame, appearing Sederunts, Fol. 11, b.

[1] In the corresponding list for this date in the Book of Sederunts (fol. 11, b) "Custos Secreti Sigilli" appears instead of "Clericus Justiciarie."

Acta 1598-1601.

personally, and being desired, according to his Majesty's direction, "to tak ane day for the persute of Kenneth M'Kenzie of Kintaill upoun sic crymes as criminalie they had to lay to his charge," do now, "for thame-selffis and in name of the gentlemen-venturaris of their societie," fix upon 25th September next for that effect.

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Sederunt—Cancellarius; Angus; Thesaurarius; Secretarius; Kinlos; Murdocairny; Collector; Clericus Registri; Elimosinarius. Edinburgh, 21st June.

To denounce John Munro of Pitconochie for disobedience.

Complaint by Johnne Dunbar of Avach, as follows:—Upon 24th September last Johnne Monro of Pitconochie, with armed convocation of the lieges
Page 81. to the number of fourscore persons, came at night to the complainer's lands of Blairfad and Kelane, "and thair maist barbarouslie, shamefullie and unhonnestlie, without feir of God, reverence or regarde of his Heynes and his authoritie, cuttit doun and distroyit his haill cornis growand thairupoun, and callit ane grite nowmer of nolt upoun the same, to the noumer of sax hundreth heid or thairby, brocht with thame for that same purpois."—The pursuer appearing personally, Monro, for failing to appear, is to be denounced rebel.

In the matter of the commission against MacLeod of Dunvegan.

Complaint by Rory M'cleud of Dunvegin, as follows:—Duncane M'Grymmen, and Donald M'Grymmen, his brother, haunting in Glenurquchy and Tullibardyne, have lately, "be some sinister moyane and wrangous informatioun," procured a commission from his Majesty for arresting and intromitting with the goods of the complainer or any others of his clan or men; under colour whereof they have committed divers reiffs and robberies upon sundry of his kin and friends, and other good subjects repairing to open markets and fairs. Thus, in October last, they violently reft from Duncane M'Ean M'Gillichallum and Donald M'khucheon V'Coneil V'Ferquhair 24 fat kye in Glammis market, and £120 from Johnne M'Finla Doway; and they intend to commit farther reiffs upon the complainer and his men. The said commission has been "verie inconsideratlie grantit in favouris of the saidis personis, quha ar alwayes dissobedient and not answerable to the lawis, and without ony lauchfull tryall or cognitioun preceding," the said Duncane and Donald
Page 82. minding nothing else than, "undir the pretence and cloik of law and of his Heynes authoritie," to oppress and wreck his good subjects, "and to lay the blame of all thair extraordinair doingis upoun his Heynes, as giff he wer ane authorizair and allowar of thame thairin," albeit the complainer "is certane that his Majestie wald nevir wittinglie have past sic ane extraordinair commissioun, sa repugnant to law, forme, and ordour of justice, and without ony ordinair tryall tane of the caussis quhairof the same procedit"; and, "giff sic unlauchfull commissionis be sufferrit to come in practize and to be established in the personis of disordourit and brokin hieland men, occasioun wilbe thairby gevin to evil disposit personis, quhais evill inclinatioun is restreaned for feir of justice, daylie to purches the lyke unlauchfull letters for cloiking of thair misdeidis."—

The pursuers appearing by Johnne Bogy, their procurator, but neither Duncane nor Donald appearing, the Lords declare the said letters or commission to have been wrongously procured, and therefore to be null. Acta 1598-1601.

To denounce Richard Burne and others for not appearing to a charge of violence and false imprisonment.

Complaint by Jonnett Neilsoun in Wallacecraig, as follows:—Richard Burne in Snadowne, Patrik Rouchheid in Ronichehauch, Johnne Chalmeris in Lynlythqu, having "consavit ane haitrent and malice aganis the said complenair causles," have by all indirect means sought her destruction. For this effect they, with their accomplices, in February last, came to her dwelling house in Wallacecraig, violently ejected her furth thereof and from her roume of Wallacecraig, reft her whole plenishing, estimated at 500 merks; and they still withhold the same from her. Farther, in April last, they came to the complainer upon the high street of the Cannogait and put violent hands in her, taking her captive to the tolbooth of the Cannogait, where they detained her 15 days, "onlie upoun allegeance and suspitioun of certane pointis of thift quhilkis thay layed to hir charge, quhairof she wes acquate and clengeit be ane condignne and famous assise," in a justice court held by the bailie of the regality of Brouchtoun. —The pursuer appearing personally, the defenders, for failing to appear, are to be denounced rebels. Page 83.

Anent the Earl of Angus.

The Lords of Secret Council continue all actions concerning the Earl of Angus, raised or to be pursued before the Privy Council, till 12th July next. Sederunts, Fol. 11, b.

Holyrood-house,[1] 26th June.

Sederunt—Cancellarius; Seytoun; Fyvie; Neubottle; Thesaurarius; Episcopus Dunkeldensis; Murdocairny; Custos Secreti Sigilli; Clericus Registri; Elimosinarius. Acta, p. 83.

Anent the Laird of Carmichael.

The Laird of Carmichael's absence from Council excused for the space of 30 days by a warrant subscribed by the King and the Chancellor. Sederunts, Fol. 12, a.

James Bowar against the magistrates of Haddington for releasing his debtor.

Complaint by James Bowair, merchant, burgess of Edinburgh, as follows: —Complainer having obtained letters of caption against Johnne Wilkie, sheriff clerk of Hadingtoun, as having been put to the horn at his instance for non-payment of 210 merks as principal and £40 of expenses, Johnne Simsoun, messenger, had charged Thomas Cokburne, provost of Hadingtoun, and Alexander Setoun and Philp Gibsoun, bailies thereof, to apprehend the said rebel. They had done so, and warded him in the tolbooth of the said burgh; but the bailies, "upoun quhat pretens the said complenair knawis not," daily "lattis the said Johnne Wilky to libertie; lyke as he hes continualie sen his inputting bene at libertie without ather satisfactioun of the said (?) Johnne Bowair of his just debt or relaxation fra the horne."—Setoun appearing for himself and for Cokburne and Gibsoun, and the pursuer appearing personally, the Lords ordain the said provost and bailies to enter the said Wilky before them upon 3rd July next, under pain of payment of the sums of money abovewritten to the pursuer. Acta, p. 83. Page 84.

[1] In the Book of Sederunts (Fol. 11, b.) this sederunt is dated at Edinburgh.

Acta 1598–1601. Page 85.

Sederunt—Cancellarius; Cassillis; Thesaurarius; Secretarius; Murdocairny; Dunkeld; Kinlos; Clericus Justiciarie; Advocatus; Custos Secreti Sigilli; Clericus Registri; Tracquair. Edinburgh, 28th June.

Jacques Doat, Frenchman, against Strang of Balcasky, requiring him to answer for his son, the pursuer's debtor: Absolvitor.

Action at the instance of Jaques Doat, merchant in the town of Bergerak in France, as follows:—Johnne *alias* Jaques Strang, son and apparent heir of Johnne Strang of Balcasky, "haveing gevin oute himselff for ane honnest maircheant in the cuntrey of France, and yit undir ane wrang name, calling himselff Jaques Strang," the complainer had sold him three score tuns of wine, upon his promise to pay the price thereof within the town of Bloy on a certain day, now long past. Notwithstanding, the said Johnne "maist unhonnestlie failyeit" to pay, so that the complainer was forced to repair to this country for recovering the debt. When he came here first, he "maist eirnistlie delt and travellit" with the said Johnne for payment; but, "persaving nathing in him bot delay and protracting of tyme," he had been constrained to pursue him before the Lords of Council and Session. These Lords, upon 6th February last, gave decree against Jaques, ordaining him to pay to the pursuer 1700 crowns of the sun, resting owing of the sum of 2700 crowns of the sun contained in the said Strang's obligation made to the complainer, as the price of the said wines, together with the sum of 30s. for his expenses daily from the term specified in the said decree to the date foresaid; also, to pay to him five crowns of the sun per cent. of interest for the said 1700 crowns during the period contained in the said decree; farther, to pay to him £100 for expenses in obtaining the said decree, together with the sum of £5 consigned by him to the said Page 86. Lords' collector. Conform to the said decree, the complainer had obtained letters of horning charging Strang at the place of Balcasky, where he and his family were for the time entertained by his said father, to pay to the complainer the sums abovewritten; and, for his wilful disobedience of the said letters, he was, upon 22nd March last, denounced rebel. He remains at the process of horn "maist proudlie and contempnandlie"; and, during the time of the said pursuit and since the said denunciation, he has been resetted by his father within his house, "and, not content thairwith, utteris very contumelious language againist the said complenair, as gif thair wer na justice within this realme for strangearis." It is urged that the father ought to be made answerable for the son.—The pursuer appearing by Mr Robert Murray, his procurator, and the said father being personally present, the Lords assoilzie the latter from the letters Page 87. touching the entry of his said son, in respect the pursuer has failed to prove that the son was resetted in the house of Balcasky since the said denunciation upon 22nd March last.

Sederunt—Cancellarius; Cassillis; Levingstoun; Fyvie; Thesaura- Edinburgh, 3rd July.[1]

[1] On the 29th of June the English ambassador, Sir William Bowes, writing from Edinburgh to Sir Robert Cecil, reports the arrival in Edinburgh of an ambassador from France ("Calendar of English State Papers relating to Scotland," p. 772). This

rius; Neubottle; Dunkeld; Murdocairny; Collector; Custos Secreti Sigilli; Advocatus; Tracquair; Carmichaell; Clericus Registri; Elimosinarius. Acta 1598-1601.

Decree against the magistrates of Haddington.

The provost and bailies of Hadingtoun, having failed to enter Johnne Wilky, sheriff clerk of Hadingtoun, this day, as charged (*ante* p. 6), are ordered to pay to the pursuer, James Bowair, burgess of Edinburgh, out of their own proper gear, the sum of 210 merks as principal and £40 for expenses, due to him by the said Wilky. Page 88.

Caution for Sir George Douglas.

Caution in £2000 by Williame Shaw of Lathangie for Sir George Douglas, son of Williame, Earl of Mortoun, that he shall enter Richie Batie as pledge within the tolbooth of Edinburgh upon Thursday next 5th instant, or by that time find sureties that he shall present Will Batie of Davintoun and Will Batie of the Burne before the King and Council upon 19th instant, to answer touching the complaint made against them by Katherene Hay, relict of Robert Huntair of Powmoid. Page 89.

Falkland, 9th July.

Sederunt—Rex; Cancellarius; Secretarius; Dunkeld; Collector; Comptroller; Blantyre; Advocatus; Spott.[1]

Commission of lieutenancy over the Highlands and Isles to the Duke of Lennox and the Marquis of Huntly.

Understanding the "frequent villaneis and barbarous cruelteis fra tyme to tyme committit within the Ilis and Heyland pairtis of this realme be the wicked and rebellious inhabitantis thairof, quha, being void of all feir or knauledge of God, and haveing shaikin af all reverence and regaird of Prince, law, and justice, hes thir mony yeiris bigane practized, conspyrit, and put in executioun divers heich and detestable treasonis, foull and unworthie murthouris, and intollerable cruelteis aganis his Majesteis gude subjectis, without respect of blude, age, or quhatsomevir uthir conditioun of personis, and very oft every ane of thame batheing thameselffis in the blude of utheris, to the heich dishonnour and offence of God, sclander of his Majestie, and contempt of law and justice, and, besydis and attour, that thay rebelliouslie withhald fra his Majestie ane grite parte of the propir rent and patrimonie of the crowne, spuilyeis the cuntrey of the benefeit quhilk micht redound thairto be the tread of fisheing and uthiris commoditeis quhilkis thay boundis randeris, and now at last ane grite parte of thame hes bandit, conspirit, and dalie practizeis, be force and policie in thair barbarous and rebellious forme, to disapoint his Hienes service in the Lewis, and establisheing of the same to his Majesteis obedience,"—for remedy the King, with advice of Council, makes and Page 90.

was M. de Bethune, a younger brother of the great Duc de Sully. He was to remain in Scotland some months, with effects thus sketched by Calderwood (v. 740):—"His commissioun came not to the knowledge of the commoun people. He had in his companie a preest, who celebrated masse to him and his domesticks wheresoever he went in the countrie. The ministers found fault with this publict exercise of idolatrie. The King and Counsellers said the priviledge of an ambassader could not be empaired. So there was no remeid had."

[1] This sederunt is not recorded in the Book of Sederunts.

Acta 1598-1601.

constitutes Ludovick, Duke of Lennox, and George, Earl of Huntley, his lieutenants and justices within the whole bounds of the Isles and Highlands of this realm lying within the shire of Inuernes, giving them full power and commission, express bidding and charge, to hold lieutenant and justice courts within any part of the said bounds, to uplift the unlaws and escheats of the said courts, to punish trespassers, to put to the knowledge of an assize all and sundry persons within the said bounds suspected or dilated of reset of theft, murder, and fire-raising, and to cause justice to be administered upon them conform to the laws, forbidding them to compone with any person guilty of the crimes abovewritten. Full indemnity is given to the said Lieutenants, and to persons assisting them, for any "slauchter, mutilatioun, fyre-raising, or uthiris inconvenientis" to be committed by them in the execution of this commission. The said Lieutenants are required to charge all persons within the said bounds between whom there is "deidlie feid and inimitie standing" to give and take assurances,

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under pain of horning. Special command is also given to the said Lieutenants to assist with their whole forces the "gentilmen venturaris and interprisaris of the conqueist of the Lewis anent the perfyte setling and establisheing of the Lewis undir thair obedience, and expelling and halding furth thairof of all sic dissobedient and rebellious personis, inhabitantis thairin, as will not gif thair obedience to the saidis gentilmen venturaris, and to prosequute with fyre, swerd, and all kynd of hostilitie all sic personis as hes or sall publictlie and avowedlie professit thameselffis enemeyis to the saidis gentilmen venturaris, or sall indirectlie practize to stay and hinder his Majesteis service committit to thair charge." Generally, full power is given to the commissioners to do all other things requisite and necessary "for the perfyte setling and establisheing of peace, justice, and quietnes within the saidis boundis"; and, for the better execution of this commission, power is likewise given them to convocate the lieges benorth the water of Dee as often as they shall think expedient,—provided always that, in making and proclaiming the said raids, the said Lieutenants shall use the counsel and advice of the persons following, viz., George, Earl of Mairshaell, Frances, Earl of Erroill, Johnne, Lord Forbes, Sir Walter Ogilvy of Findlattir, Sir Alexander Fraser of Fraserisburgh, Alexander Irwing of Drum, Innes of that Ilk, "quhome his Majestie and his Counsaill hes adjonit as counsallouris to the saidis Lieutennentis, to advise and conclude upoun the tymes and necessitie of the saidis raidis, be quhais advise thay sall proceid thairin, and without quhais avise and consent it sall not be lauchfull to thame to do ony thing

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thairanent." Publication hereof is ordered, with a charge to the lieges to "reverence," obey, and assist the said Lieutenants in the execution of their commission, under pain of treason. Farther, full power and liberty is given to the said Lieutenants to make and constitute the said gentlemen adventurers their lawful and irrevocable deputes, conform to this commission, within all the lands, as well principal as warrandice, disponed to the said gentlemen and contained in their infeftments thereof. This commission

to endure for one year after the date thereof, and farther till it please the King and Council to discharge the same. Acta 1598-1601.

Act in favour of the Earl of Orkney, sued for oppression.

As Patrik, Earl of Orknay, "for a testimonie of his humble dewitie and obedience to his Heynes, and to justifie his innocencie of divers complaintis maid aganis him in his absence [*see* vol. v. pp. 447, 535], and for putting of certane his actionis of law to some point," has repaired hither to his Majesty's presence, "and hes attendit and awaitit upoun his Majestie, his Counsaill and Sessioun, thir divers oulkis bigane, and hes in effect setled all his effearis and tane ordour with the haill complaintis gevin in aganis him, and put the complenaris to silence, sua that his Majestie hes hard litle or nathing thairof sen his heircomeing,"—therefore now, "seing this is the present seasoun of the yeir quhen the said Erllis presence at hame is maist requisite, and the necessitie of his effearis cravis his awne presence at hame," license is given to him to depart home, and to be absent from Court and Session till 20th November next, during which time all actions and causes concerning him are superseded and continued. And, because, upon "divers sinister and wrang reportis" made against the said Earl and his men, letters had been directed containing dispensations to charge them by open proclamation at the market cross of Edinburgh, pier and shore of Leyth, "as gift thay wer disobedient and unansuerable, to quhais presence or duelling houssis thair wer not suir acces" (whereby "thai have bene drawne in sindrie inconvenientis, and sindrie hoirningis and sentenceis hes bene pronunceit aganis thame throw misknauledge of the saidis chargeis, thay being obedient and ansuerable personis, to quhais cuntrey thair is at all tymes suir acces"), and because the said charges were "direct aganis the Actis of Parliament, quhilk appointis all sic chargeis to be execute aganis personis personalie or at thair duelling placeis," therefore it is ordered that no such charges by open proclamation shall be directed against the said Earl and his men in future, under pain of nullity. Moreover, as it is unreasonable that upon every light complaint of party the said Earl shall be constrained to appear and answer thereto, it is declared that his personal appearance shall be dispensed with, and that his agents shall be admitted to answer for him, "except in grite and wechtie caussis." Page 93.

Edinburgh, 10th July.

Sederunt—Cancellarius; Cassillis; Levingstoun; Fyvie; Neubottle; Thesaurarius; Dunkeld; Murdocairny; Collector; Clericus Registri; Custos Secreti Sigilli; Tracquair; Carmichaell; Elimosinarius.[1]

To denounce Patrick Cheyne and John Leslie for not appearing to a charge of circulating false money: caution for

Charge had been given to Patrik Cheyne of Essilmouth, Williame Lorymer, Alexander Jaffray, Johnne Fyffe, Williame Craig, and Johnne Leslie in Kayheid, all burgesses of Abirdene, to appear before the Council and

[1] In the Book of Sederunts the list of councillors recorded as present this day (fol. 12, a) is as follows:—Cancellarius; Fleming; Clericus Justiciarie; Blantyre; Murdocairny; Clericus Registri; Custos Secreti Sigilli; Cesfurde.

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answer touching their "treasounable forgeing, fenyeing, prenting, haveing, outputting, and exchangeing amangis his Majesteis liegis of fals and adulterat money." And now, Alexander, Master of Elphingstoun, treasurer, appearing for his Majesty's interest, and the said Lorymer, Jaffray, Fyffe, and Craig, being also present, but the said Cheyne and Leslie failing to appear, the Treasurer passes from the pursuit of Jaffray anent the said charge, and, not having received sufficient information against Lorymer, Fyffe, and Craigheid, desires that they may be put under surety to be furtheoming for their trial when charged to that effect. Accordingly, the Lords ordain Lorymer to find caution in 3000 merks, and Fyffe and Craigheid, in 1000 merks each, that they shall answer to the said complaint when charged upon 15 days' warning, liberty being given to them to depart home on finding the said caution. Cheyne and Leslie are to be denounced rebels for non-appearance.

Re-appearance required from others accused of the same.

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Complaint by Lancelot Reidfurde, sometime in Kynulbuy, as follows:—In April , Johnne Broumar in Barrelleis, Patrik Langmure in Crannach, Andro Morisoun in Clengaroch, and James Spens there, with their accomplices, came at night to the complainer's dwelling house in Barraleis, entered therein, and cruelly pursued him of his life, wounding him in divers parts of his body, "sua that he lay bedfast ane yeir thaireftir in grite hasard and perrell of his lyffe." They also then "shamefullie straik and dang his wyffe and bairnis," and awaytook the keys of his barn door. The following morning they came to his barns and reft 75 bolls of oats, 17 bolls of bear, 17 head of kye and oxen out of his byres, 5 horses and mares, and the whole plenishing of his said house, at the same ejecting him furth of his roume and steading of Barreleis, and sowing the same with their own corns after it had been tilled by him, "putting him thairby, quha wes sometyme ane honnest man, to utter beggarie and miserie."—The pursuer appearing personally, the defenders, for not appearing, are to be denounced rebels.

To denounce John Browmer and others for not appearing to a charge of assault and reif.

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Complaint by Hob M'Kie, burgess of Drumfreis, Agnes Maxwell, his spouse, James M'Kie, their son, and Mawsie Maxwall, their servant, as follows:—After "monyfauld injureis and wrangis fra tyme to tyme committit aganis thame" by the provost and bailies of Drumfreis, they have now been apprehended by the said provost and bailies, and committed to ward within the pledge chamber of Drumfreis, a place appointed for thieves and malefactors, no sentence having been pronounced against them.—The complainers appearing by Johnne Rig, their procurator, but Robert M'Brair of Almegill, provost, and Harbert Raning and James Newall, bailies of Drumfreis, having neglected the charge to appear themselves or to release the said complainers, the Lords once more ordain the said magistrates to set the said persons at liberty, within six hours after the charge, under pain of rebellion.

Hob M'Kie and others against the provost and bailies of Dumfries for imprisonment.

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Sederunt—Lennox; Cancellarius; Angus; Mar; Fyvie; Thesaurarius; Blantyre; Secretarius; Murdocairny; Collector; Com-

Edinburgh, 12th July.

putorum Rotulator; Custos Secreti Sigilli; Advocatus; Spott; Kinlos; Elimosinarius. Acta 1598-1601.

Protest in favour of Dunbar of Avach.

Johnne Dunbar of Awach appears and gives in a copy of letters at the instance of Alexander Miller, son of David Miller in Deanemillis, Arthour Dingwell in Bryer, Johnne Miller in Arthourflo, Andro Miller in Killene, Alexander Moir in Mekle Suddy, Andro Moir, his son, Williame Moir in Ordhous, Andro Miller in Inuernes, Millair there, and Donald Miller, son of the said David, charging the said Dunbar to appear and produce the letters of horning raised by him against them for their non-compearance to answer a complaint made by him against them, in order that the same might be suspended simpliciter for certain causes specified in the copy foresaid. The other persons foresaid failing to appear, Dunbar protests that the foresaid letters of horning shall be put to farther execution. The Lords admit the protest, and ordain accordingly. And, Page 97. because the persons foresaid found caution at the procuring of the said suspension, each of them in 300 merks, that they would appear and answer, the Lords decern the cautioner to have incurred the said pain, and ordain letters to be directed against him for payment of the same to the Treasurer.

Decree against Pringle of Blindlee and his cautioners.

Representation by Alexander, Master of Elphingstoun, treasurer, as follows:—Upon 2nd February last George Pringle of Blindley became surety for Thomas Hardy and Robert Quhippo that they would appear before the King and Council upon 8th February, and answer to a complaint made against them by Williame Pringle, litster, burgess of Edinburgh, either of them in £100 (*see* vol. v. p. 714). Neither upon the said 8th, nor yet upon 15th following, to which the said matter had been continued, had Hardy or Quhippo appeared; and for their non-appearance the said Williame had had them of new put to the horn. Again, upon 16th March last, James Craufurde, goldsmith, burgess of Edinburgh, became surety for Hardy in £100, that he would answer to the said complaint before the King and Council upon 19th April last; but he had not appeared upon that day or since. The said acts of caution having been contravened, the said sureties ought to have been decerned to have incurred the said pains.—The Treasurer appearing personally, but Pringle and Craufurde not Page 98. appearing, the Lords decern as requested, and ordain letters to be directed accordingly.

The Earl of Angus to be denounced for resetting and not producing a rebel.

Complaint by Mr. Thomas Craig, advocate, as follows:—Upon 7th May Page 103. last Johnne Carmichaell of Medoflatt, captain of Craufurde, had been put to the horn at the complainer's instance for not paying him £1272 borrowed from him, together with 200 merks of liquidate expenses, conform to the decree of the Lords of Council and Session. He is still at the Page 104. horn; and, as he is vassal of Williame, Earl of Angus, the said Earl ought to be obliged to enter him before the King and Council.—Both parties appearing personally, the Lords find that the said Earl should have entered the said captain, and order the said Earl to be denounced rebel because he

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has not done so and because he has confessed in presence of the Council that he had spoken with the said captain since the time of the charge given for entry of the said captain.

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"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of his Secreit Counsaill that some of the disordourit and brokin men of the Bordouris, enemeyis to the publict peace and quietnes betuix the realmis, hes of lait committit divers insolenceis and enormiteis in hostile and weirlyke maner within the realme of England, to the evident prejudice and violating of the peace and amitie quhilk sa happelie hes continewit betuix the realmis, and to his Heynes mislykeing and miscontentment, his Majestie, being resolved and myndit be all mutuall gude officeis to interteny the said peace, and to persew and punishe with all rigour the disturbaris thairof, thairfoir ordanis letters to be direct to command and charge all and sindrie his Majesteis liegis and subjectis quhatsomevir that nane of thame presume nor tak upoun hand to ryde in England, or to committ fyre-rasing, murthour, slauchter, reiff, thift, or ony utheris enormiteis, within the realme of England, undir quhatsomevir cullour or pretens, and that thay do nor attempt nathing, directlie nor indirectlie, quhilk may importe the brek or violatioun of the peace, bot to follow oute and persew the attemptis committit aganis thame be ordour of law and justice befoir the wardanes and utheris ordinair jugeis according to the treateis, foirbeiring alwayes to use ony privat revenge, bot to stand at thair awne defence in cais thay be persewit within this cuntrey, under the pane to be repute, haldin, and estemit as avowit enemeyis to the publict peace and quietness of the twa realmis: certifeing thame that failyeis, or dois in the contrair, that thay salbe persewit and punist thairfoir be a force of his Majesteis gude subjectis with all rigour and extremitie, to the terrour of utheris."

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Edinburgh, 16th July. Proclamation against making incursions into England.

Sederunt—Lennox; Cancellarius; Mar; Thesaurarius; Fyvie; Blantyr; Murdocairny; Kinlos; Advocatus; Collector; Clericus Justiciarie; Custos Secreti Sigilli; Clericus Registri; Elimosinarius.

Edinburgh, 17th July.

Complaint by Mr Williame Carnecroce of Balmoshynnair, as follows:— Upon 3rd July last Robert Lyoun in Drumleyis, Alexander Buchane, elder there, Alexander Buchane, younger there, George Broun there, and James Walkair there, had been put to the horn at the complainer's instance for not fulfilling three decrees obtained by him against them before the Lords of Session, dated respectively 24th January 1589, 5th October 1591, and 5th February 1591: to wit, the first decree for not restoring to the complainer certain corns, or the prices thereof, together with 20 merks for expenses and 40s. paid to the Lords' collector; the second decree for not restoring to him certain corns and goods, and for non-payment of £20 of expenses and 40s. paid to the Lords' collector; and the third decree for not delivering again to the complainer certain peats,

To denounce Lord Glammis for not having produced certain persons for whom he is responsible.

or else the prices of the same, and for non-payment of £20 of expenses and 40s. paid to the said collector. "At the process quhairof the saidis personis hes maist proudlie and contempnandlie remanit sensyne, as thay do yit unrelaxt"; and they are Lord Glammis's men, dwelling upon his lands, and are therefore such persons as he is bound to answer for.—The pursuer appearing personally, Patrik, Lord Glammis, appears by Mr Thomas Rollok, his procurator, who alleges that the said Lord should not be burdened with the entry of the said rebels, because, when he was charged to enter them, and ever since, he has been in ward in the castle of Edinburgh (*see* vol. v. p. 551). The Lords find, however, that the said Lord ought to have entered them, and, in respect of their non-entry, ordain him to be denounced rebel. Acta 1598 1601. Page 100.

John Janson of Amsterdam against John Mackison and others of Crail for purchasing goods taken from his ship by a pirate.

Complaint by Johnne Jansoun, master and skipper of the ship called "The Reid Gray Hound" of Ansterdame in Holland, as follows:—Lately, while he was repairing with his said ship and lading of deals to this country, of purpose to sell the same, and was "in his Majesteis watteris within ane myll of the coist towardis Abirdene, ryding at ane anker," he was pursued by a pirate, "ane allegeit Dunkirkair," who took the said ship and lading, and brought the same to Carraill, where he sold 1000 deals, at £40 per hundred, to Williame Bowsy, Allane Cunynghame, and Johnne M^cKiesoun, common clerk of Carraill. These persons had intromitted with the same, "the vice of piracie being nawayis tryit, bot bocht the same *mala fide*, fer within the availl thairof, and upoun certane and suir knaulege that the same daillis wer reft and pilleit within his Majesteis watteris" from one of his Majesty's confederates.—The pursuer appearing personally, with George Litiljohnne, his prolocutor, and the said defenders appearing likewise personally,—"quha confessit the bying of aucht hundreth daillis fra the said pirot,"—the Lords decern the said defenders to restore to the pursuer the said 800 deals. Page 101.

Edinburgh, 18th July. Act anent the liberty of Captain Norton and other Englishmen.

"Forsamekle as his Majestie, be his missive letter directit to my Lord Chancellair, daitit the xvii of this instant, quhairby he desirit the Counsall to be convenit for the re-examinatioun of Capitane Nortoun and the rest of the Englishemen takin oute of the schip, gif thair wer ony necessitie, or gif ony new interrogatouris to be proponit to thame upoun thair last depositionis, and, in cais the Counsaill sould nawise find it necessar that thay sould be re-examinat, and that, for ony thing ather deponit be thame or tryit aganis thame, thair be na just caus of thair detentioun, that thay sould be delyverit to Sir Robert Ker of Cesfurde, knicht, to be sett at libertie and used according to his Majesteis directioun gevin to him, as the said missive at mair lenth beiris; and thairwith the Lordis of his Prevey Counsaill being ryplie advisit, and finding na caus to re-examine the said Capitane Nortoun and the rest of the Englishemen, and that thair is na thing ather alreddy tryit or ony hoip to try ony forder quhilk may caus thame to be detenit: thairfoir the saidis Lordis hes gevin licence and libertie to the said Sir Robert to dimit the said Capitane Nortoun and Page 102.

Acta 1598–1601.

remanent Englishmen foirsaidis and putt thame to libertie, and delyver to thame thair schip, with the haill ornamentis, and suffir thame to depairt quhair thay pleis, to thair awne cuntrey, or ellisquhair, eftir thay have finisheit and endit thair lauchfull adois in this cuntrey."

Sederunt—Lennox; Cancellarius; Mar; Levingstoun; Fyvie; Neubottle; Thesaurarius; Secretarius; Blantyre; Murdocairny; Dunkeld; Kinlos; Clericus Justiciarie; Custos Secreti Sigilli; Advocatus; Tracquair; Elimosinarius. Edinburgh, 19th July.

Douglas of Howdoun against Whiteford of Milton: Absolvitor.

Complaint by James Douglas of Howdoun, as follows:—Upon 27th November last, Alexander Carmichaell, brother of Williame Carmichaell of Pedben, had been put to the horn at the instance of the complainer for not relieving him of an obligation made to Adam Quhytefurde of Miltoun, and for not paying to him 1000 merks as for the principal, together with the sum of £40 for expenses, conform to the decree of Council and Session. He remains still at the horn, haunting all public places as if he

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were a free subject. Now, he is the said Adam's tenant, dwelling upon his lands, and is therefore such a person as the said Adam is obliged to answer for.—The pursuer appearing by James Carmichaell of Pottieshaw, his procurator, and the said Adam being also present, the Lords assoilzie the said Adam from the said pursuit simpliciter, because he has declared that he had not charged nor denounced the said James Douglas for payment of the sum above written "quhairupoun he craved his releiff of the said Alexander Carmichaell," and also because he has passed from all such charges against the said James.

Sederunts, Fol. 12, b.

Sederunt—Cancellarius; Mar; Levingstoun; Fyvie; Thesaurarius; Secretarius; Neubottle; Murdocairny; Kinlos; Fentounbarnis; Clericus Justiciarie; Advocatus; Privy Seal; Clericus Registri; Elimosinarius. Edinburgh, 20th July.

Anent Laird Carmichael.

The Laird of Carmichaell's absence from Council excused till 1st November, by warrant in writing subscribed by his Majesty at Falkland 9th July last.

Acta, p. 104.

Sederunt—Cancellarius; Mar; Fyvie; Neubottle; Thesaurarius; Secretarius; Murdocairny; Dunkeld; Kinlos; Clericus Justiciarie; Advocatus; Collector; Custos Secreti Sigilli; Computorum Rotulator; Clericus Registri; Spott; Elimosinarius. Edinburgh, 26th July.

Page 105.

To denounce Donald Ross and others for not appearing to a charge of reif.

Complaint by Mr Johnne Ros, parson of Logy, as follows:—Upon 20th October last, Donald Ros M°Ean M°Thomas, *alias* Reoch, in Langwell, Stracharroun, Johnne Dow M°Donald V°Ein in Ardgy, Finla M°Rawis in Soyall, Thomas M°Williame M°Condoquhy in Langdoill (Langwoill), Johnne M°Hucheoun Moir there, and Johnne M°Finla M°Hucheoun Moir there,

with convocation of the lieges to the number of fourscore persons, all armed with haversbons, jacks, steelbonnets, hagbuts, culverings, bows, swords, and other weapons, came at night to the complainer's town and lands of Esbolk in Stracharroun in Ros, belonging to him heritably, where he and his men were taking the night's rest, "and thair maist unhonnestlie brak up the haill durris of the said complenaris house, hurte and dang his servandis, sornit and distroyit his haill salmond fisheis quhilkis wer saltit in fattis, reft, spuilyeit and awaytuke aucht stane of cheis, foure stane of buttir, tua meiris with foill, and slew twa ky and foure scheip."—The pursuer appearing by Johnne Foster, his procurator, the foresaid accused persons, failing to appear, are to be denounced rebels. Acta 1598-1601.

James Crawford against John, James, and George Cleland for houghing: Decree.

Complaint by James Craufurde, brother of the bailie of Monkland, as follows:—Upon 10th July instant, James and George Clelandis, brothers of Johnne Cleland of Foscan, by special direction of the said Johnne, came furth of his dwelling house of Foscan to the lands of Dundynen, where the complainer's "guidis wer pasturing," and there "shamefullie, cruellie, and barbarouslie, with ane drawne swerd, struke and hocheit ane hors pertening to the said complenair," and thereafter returned to the said house of Foscan, where they were resetted by their said brother.—The pursuer and the said Johnne appearing personally, but the said James and George failing to appear, the Lords remit the case of the said Johnne to the judge ordinary, ordaining him to find caution in £1000 that he shall underlie the law before the Justice for the said crime; and they order the said James and George to be denounced rebels. Page 106.

To denounce William Whyte for not appearing to a charge of robbery.

Complaint by James Broun, merchant, burgess of Drumfreis, as follows:—Upon 10th June 158 , Williame Quhyte of Winlokheid, with his accomplices, came to the lead mines of Robert Mure, and there violently took from the complainer 400 ℔ of ready gold and silver; "lyke as, in taikin thairof and that he wes the revair and awaytakair of the same, he at divers tymes sensyne confessit that he and his sone wer myndit to have murdreist and slane the said complenair, gif evir he preist to require fra him the said geir, or to complene thairof; be the quhilk violence and reiff, and be the lait unhappy fyre quhilk rais within the burgh of Drumfreis, quhair his haill houssis, biggingis, guidis, and geir wer brint and distroyit, the said complenair is brocht to grite miserie and povirtie, and will gett na redres of the said money, unles his Majestie, movit with pitie and compassioun upoun him, being ane ageid man, provide remeid."—The pursuer appearing personally, the said Williame, failing to appear, is to be denounced rebel. Page 107.

Proclamation against the packing of herring before 1st October.

As the acts prohibiting the packing, peilling, salting, and barrelling of herring before 1st October are plainly contravened, not only by his Majesty's own subjects, but also by strangers coming to this realm, some of the said strangers advancing to the said subjects great sums of money wherewith, before the said day, herring is bought, salted, and barrelled, and thereafter exported, without being presented to open market, charge

Acta 1598-1601. Page 108.

is to be given to all and sundry, as well strangers as natives, by open proclamation, not to buy, pack, peil, salt, barrel, or export any herring before 1st October, under pain of confiscation of the herring, barrels, ships, and all the rest of the moveables of the contraveners, the third thereof going to the apprehender and the rest to his Majesty.

Conventions of Estates 1598-1678. Fol. 24, b.

Commission to James, Commendator of Inchcffray, and to certain others, to determine as to the heightening of the cunyie (printed in full in Acts of Parl., iv. p. 181). Falkland, 31st July. [Convention of Estates.] Anent the cunyie.

Fol. 25, b.

The chief cause of the increase of theft and reset of theft being the impunity of the committers thereof, thieves and their resetters within the Marches are to be punished with death, "conforme to the first lawis and custome of the saidis Bordouris" (Acts of Parl., iv. pp. 181–2). Act anent Border thefts.

Fol. 25, b.

William, Lord Herris, Sir James Douglas of Drumlangrig, and Sir James Johnestoun of Dunskellie, to be accountable during their imprisonment for any wrong done by persons in the West Border for whom they are answerable (Acts of Parl., iv. p. 182). Act against Lord Herries and others.

Fol. 26, a.

Williame, Earl of Angus, at the request of the barons of the West March, undertakes to continue in office as lieutenant within the said bounds (Acts of Parl., iv. p. 182). Earl of Angus lieutenant of West March.

Ratification of an Act of Council empowering Eustachius Rooghe, Fleming, to make "greit salt," and of the gift of the comptrollery of the same to William, Commendator of Pettinweme (Acts of Parl., iv. pp. 182–4). Great salt.

Fol. 27, a.

Fol. 27, b.

Instruments of sasine, reversions, discharges of reversions, renunciation of wadsets, etc., not registered in the books of Council and Session within 40 days after the making thereof (except sasines of burgh lands), to be registered in the particular register hereby appointed in each shire for the purpose, within 40 days next after the perfecting of the same, under pain Registration of sasines, reversions, etc.

Fol. 28, a.

of nullity. The office of keeper of these registers annexed to that of secretary, and the said registers to be called the "registeris of secretarie." The charge for registration to be 13s. 4d. for each leaf of the register; the extract to make equal faith with the original; and, if the writs be not taken away within three months after being registered and marked, the clerks to be no longer accountable for them (Acts of Parl., iv. pp. 184–5).

Fol. 30, b.

Leaden seals stamped with the King's name and arms, and with the name of the burgh, to be affixed to English and foreign cloth in token of their having paid custom; the stamp for the seals to be made in two halves, the one to be kept by the custumar, the other by the clerk of the Act for paying the custom on cloth.

Fol. 31, a.

cocquet (Acts of Parl., iv. p. 185).

Impoverished condition of the King's household, palaces, castles, and ordnance. The King, however, has resolved to impose no farther taxation, Supply of his Majesty's necessities.

Fol. 31, b.

but to trust to the benevolence of his people. The Estates remit the matter to a larger Convention, promising to see the wants of his Majesty's affairs supplied (Acts of Parl., iv. p. 185–6).

Informers against the committers of deforcements to have half of the escheat of the offender (Acts of Parl., iv. p. 186). Deforcing of Officers.

Act in favour of the Countess of Mar.

Approbation of the services of the late Johnne, Earl of Mar, regent, Annable Murray, Countess of Mar, his relict, and Johnne, Earl of Mar, her son, in the upbringing and virtuous education of his Majesty. Their good service in the past had moved his Majesty to commit Henry, Prince of Scotland, to the keeping of the said Countess and her son. She is now of great age, "haveing hir body waist and extenuat be hir former service." Promise to her of a gift out of the casualties, or, in the event of her death before receiving the said gift, to Marie Erskin, daughter of the said Earl of Mar (Acts of Parl., iv. pp. 186–7) Conventions Estates. Fol. 32, a. Fol. 32, b.

Act anent the publication of books.

No one to write or print any book, libel, invective, or history without the King's licence; and no new book concerning the history of the realm to be published or imported without being attested by the King's secretary (Acts of Parl., iv. p. 187). Fol. 33, a.

Act anent usury.

In trial for usury the criminal pain to be dispensed with and the pecunial one insisted on; the trial to be taken by deposition of witnesses or oath of party; and parties refusing to give their oath to be held confessed (Acts of Parl., iv. p. 187).

Act in favour of Eustace Roghe.

Ratification to Eustacius Roogh of his various monopolies of making salt, and of his invention for improving kilns and stoves and for the better venting of chimneys and furnaces (Acts of Parl., iv. pp. 187–8). Fol. 33, b.

Commission anent military service.

The "grit skayth and overthraw" sustained by this realm through loss of so many battles having proceeded from lack of "discipline militarie," commission to Johnne, Earl of Mar, and others, to report on means for providing men for service when required (Acts of Parl., iv. p. 188). Fol. 34, a.

Providing of armour for certain burghs

The commissioners of Edinburgh, Dundie, and Sanct Androis undertake that the inhabitants of these burghs shall be armed in accordance with the Act of Parliament within a year (Acts of Parl., iv. p. 188). Fol. 34, b.

Act in favour of the University of St. Andrews.

Ratification of two ordinances of the visitors of the University of Sanct Androis, 17th July 1597 and 5th July 1599, appointing a council to be chosen by the King to have oversight of the affairs of the University, and ordaining, *inter alia*, that a fourth master be chosen for the New College for completing the course of theology, that a dean of the faculty of theology be elected annually, that doctors and regents, being professors of philosophy or theology, shall be exempt from attendance in church courts, that a commissioner be elected annually to the General Assembly, that annual examinations be held in the college of theology, beginning on 15th December, and that the theological course extend over four years. Minute regulations regarding the course (Acts of Parl., iv. pp. 189–190). Fol. 35, a. Fol. 35, b.

Act anent armour.

Undertaking by Sir Michaell Balfour of Burley, as principal, and the Lord of Spynie, Abbot of Lundoris, Lairds of Dersy, Montquhany, Kinfawnis, and Arnot, as sureties for him, to import arms for 2000 horsemen and 8000 footmen; and concession to him of the monopoly of selling armour for three years after the date hereof. Act, dated at Halyruid-house, 14th December 1599, ordaining the lieges (inhabitants of Edinburgh, Dundee, and Sanct Androis excepted) to buy the said armour at the prices fixed (Acts of Parl., iv. pp. 190–91). Fol. 36, a. Fol. 36, b 37

Acta 1598–601. Page 108.

Act in favour of Mr Hew Fullarton, minister at Dumfries.

Understanding, by the complaint of Mr Hew Foullartoun, minister at Drumfreis, that Edward Maxuell of Thrustane and Alexander Wallace, "pretending a richt to the said Mr Hewis glebe besyde the kirk of Drumfreis, hes thir divers yeiris bigane maist wranguslie, by all ordour of law, opprest and troublit him in the possession of the said glebe, distroyit his cornis growand thairupoun, dimoleist his barnis biggit upoun the same glebe," and intend this present year, "be the lyke extraordinair and wrangous proceding," to shear and intromit with the crop of the said glebe and dispossess the complainer thereof, "thay being clannit men in the cuntrey, disdaning to follow oute thair pretendit richt, giff thay ony have, be forme of law,"—the King and Council give commission to the provost and bailies of Drumfreis, as neutral persons, to shear the crop of the said glebe and put it in some sure place, there to remain till his Majesty take farther order thereanent. And, in case the said claimants, or any of them, "sall preis to scheir or wyn the saidis cornis," the said magistrates are to resist them, and to execute this commission within six days after the said corns "be rype," if "the commoditie of weddir serve," under pain of rebellion.

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Falkland, 1st August. Supersedere in favour of Colville of Wemyss, who is sued by his creditors.

James Colville of Easter Weymis, having passed a "grite parte of his yowth in the service of his Majesteis darrest brother and confederat, the King of France, and, for the forder advancement of his service, haveing imployed his creddite and engageit his landis for divers grite sowmes of money, quhairin he and his creditouris presentlie standis oblist, evir hoiping, by the dew rewarde of his service, to have relevit and disburdynit himselff of the haill chargeis, burdingis, and debtis quhilkis he undirtuke for that occasioun," has now at last "procureit frome the said King ane promeis and conditioun of payment of his haill debtis within the space of ane yeir nix to come; quhilk promeis is not onely renewit to his Majestie be the said Kingis awne letter direct unto his Hienes, bot alsua be his ambassadour heir resident, with ane ernist sute and requeist that in the mean tyme the said James be unpersewit or straitit by his creditouris, seing frome him proceidis the ground and caus of the said James laik of moyen." The King and Council, finding it "nawayes meit to refuse and deny" this request, "in respect the said James is willing and content to satisfie his creditouris alswele for the bigane annuellis as for the yeir to cum," conform to the Act of Parliament, viz., at 10 per cent., therefore supersede the troubling and pursuing of the said James and his cautioner for any principal sums due by them to any of the said creditors during the space of one year after the date hereof, providing always that in the meantime the said James pay the bygone annuals, and that for the year to come, at the rate of 10 per cent. They also discharge the execution of any letters against the said James and his cautioners for payment of the said principal sums during the said space.

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The King, with advice of his Council, at the suit of Niniane M°Morhame, merchant, and George Heriot, goldsmith, burgesses and commissioners for

Act anent the removal of a side-wall in St. Giles's Kirk.

the burgh of Edinburgh, authorizes the provost, bailies, and council of the said burgh to "dimolische the wall biggit betuix the eist kirk and the mid kirk of Sanct Geillis, and to tak in ane piller of the same mid kirk, and adjoyne the same to the east kirk, that it may be the mair able to hald the haill parochynnaris of that quarter," the said commissioners in name of the said town council promising that, whenever it shall please his Majesty "to require thame to tak doun the said wall now to be biggit, and to inlarge the mid kirk to the same lenth that it is presentlie," they "sall do and performe the same, being requirit thairto be the space of ten dayis of befoir." Acta 1598 1601.

Falkland, 2nd August. The Laird of MacGregor to answer for his clan.

Allaster M°Gregour of Glenstray appears and undertakes to be answerable for all persons of the name of M°Gregour, by making them furthcoming to justice for all the "attemptis" to be committed by them hereafter, till such time as he shall "lay thame upoun utheris landislordis," when he shall no longer be burdened with so many as he "layis af him," but only "for releiff of the landislordis," according to the Act of Parliament. Caution for him in 10,000 merks by James, Commendator of Incheaffray, and Sir Johnne Murray of Tullibardin, that he shall appear before the King and Council at Edinburgh upon 4th September next, and present one of the pledges specified in his own offers. Page 111.

Falkland, 13th August. New Act against the crime of usury, with offer of remission to usurers for past offences on condition of their compounding with the Treasurer and becoming bound to cease from the crime in future.

Preamble calls to mind not only that ocker and usury are "condemnit be the law of God," but also that, "be the auld and ancient municipall lawis of this realme [Acts of Parl., I. pp. 606, 618, 623, 624, 745], all ockeraris and usuraris [are] appointit to be punischit and demanit in thair personis, in maner sett doun in the saidis lawis, for extirpating and ruiting oute of sic ane haynous, pestiferous, and intollerable cryme and sin furth of this realme." By these laws "it is provydit that the haill guidis and geir of sic ockeraris and usuraris, quhidder thay deceis testat or intestat, sould pertene to his Majestie and be inbrocht to his Hienes use" wherever found, "and that thair airis sould be disherisit and thair heretage returne to his Hienes, thay being tryit be ane condigne assise to be or to have bene giltie of the said filthie and detestable cryme of ocker and usurie." Moreover, his Majesty himself had ordained, by Act of Parliament held at Edinburgh 8th June 1594, that the payers of more than 10 per cent. interest might, on informing, get the pledges or wadset restored or the obligations discharged, and that other informers might have the money given for usury, while the receiver should lose the principal (iv. p. 70). Farther, by another Act of Parliament, dated at Edinburgh 19th December 1597, it was ordained that no one should take higher interest than 10 per cent. under pain of confiscation of moveables and other punishment; that contracts made to the contrary should be null,—the nullity to be proved by the oath of party and other competent probation; and that actions might be raised by the debtor, his heirs, and executors, with consent of the King's advocate, or by the King Page 112. Page 113.

Acta 1598-601. and his donator,—the latter to have right to the principal sum and unpaid interest, and the debtor to repetition of exorbitant profits if he concurred with the King's advocate (1597, c. 18 iv. p. 133).—Yet, through neglect of the administration of these laws, the crime of usury has so increased in the realm, and the number of usurers given to his Highness in catalogue is so great, that the abuse can no longer be "tolleratit within the bowellis and bosome of his Hienes commounwele in sa grite lycht of the evangell," the rather because "divers of his Majesteis wele affectionat subjectis, off quhome his Majestie aucht to mak ane accompt, hes privatlie admonist his Hienes thairanent, craveing of his Majestie redres thairof, and that with all rigour and deligence his Hienes wald putt the saidis lawis and
age 114. Actis to dew executioun, quhairby God sallbe glorifeit, the land purgeit of sic detestable cryme and sin, and the godlie and thay confortit, quhais blude wes souckit oute be paying in thair grite necessitie of the said grite excessive ocker and usurie, and lykwise his Hienes selff commodit and richeit be confiscatioun and imbringing to his Hienes of thair haill guidis, geir, movablis, and dettis pertenand and awand, and of the haill soumes gevin oute be thame in ocker and usurie, and the haill profittis thairof, and of their haill landis, rentis, and heretage, besydis the demaning of thair personis, in example of utheris not to attempt and committ the lyke cryme and sin,—certifeing his Majestie that, gif he hapnit to be remis or to relent ony langar in differing of the tryale and punischeing of the said filthie and detestable cryme, that his saidis wele affectionat subjectis quha had gevin his Hienes thair said prevey admonitioun wald not spair according to thair dewtie oppinlie and avowedlie to admoneis his Majestie thairanent." In these circumstances, "seing his Majestie baith makis and aucht to mak ane compt of thair admonitioun and lykwise is bundin of dewtie to purge the land of sin," his Majesty "is forceit and compellit, by [*i.e.* beyond] his awne accustomat naturall gentilnes, to supersede na langer, bot with all deligence to putt the saidis ockeraris and usuraris to tryell and assyissis and to putt the saidis lawis and Actis to dew executioun aganis thame." At the same time, "that thay may have sum pruif of his Majesties accustomat clemencie, and that thai may understand that his Hienes nather craveis thair blude, ignominie, nor demaning of thair personis, nor thair saidis landis, heretageis, guidis, geir nor commoditeis foirsaidis, quhilkis, be thair punischment, wilbe confiscat and pertene to his Hienes," his Majesty "hes concludit with himself to grant thame mercie and pardone for the said filthie cryme," on condition of their "cumand, within xl dayis nixt eftir the proclamatioun of this present Act, to the Thesaurare," and "componand" with that official, and becoming bound, with such caution as shall be thought expedient, not to commit the like crime hereafter. This being done by them, they shall have his Majesty's remission for the past in the most ample form. Proclamation hereof is to
age 115. be made, with certification to the usurers, whose names as yet his Highness has suppressed, that, if they fail to satisfy the Treasurer and obtain

the King's remission as said is, his Majesty will put them to the knowledge of an assize, and, if they are found guilty, punish them in their persons, and confiscate their whole goods and heritages. Acta 1598–1601.

Stirling Castle, 20th August. Caution for Richard Batison.

Caution in £2000 by Johnne Levingstoun of Donypace for Richart Batiesoun, son of Johnne Batiesoun of Davingtoun, that he shall by 20th September next re-enter the said Richart in ward in the tolbooth of Edinburgh, furth of which he has "borrowit" him.

Edinburgh, 4th September. To denounce William Harrat and others for not appearing to a charge of molestation, trespass, and assault.

Complaint by Williame Hendersoun in Cowsland, Thomas Johnnestoun there, and James Wycht there, as follows:—Williame Harratt, George Harratt, and Dioneis Wilsoun, portioners of Wester Coittis, having conceived deadly hatred and malice against the complainers without cause, have at divers times menaced and invaded them and their herds for their slaughter, eaten and destroyed their corns, hained grass, and meadows, and by all means have sought their "utter wrack and distructioun." Thus, one Sunday in July last, the said Williame Harratt, by the direction of his said colleagues, came to the lands of Cowsland, where the complainers' herd, Page 116. Alexander Mitchell, was keeping "thair guidis for the tyme," and there put violent hands on him, "gaif him mony bauch and blae straikis in divers partis of his body with stalffis and rungis, and feld him thairwith; lykeas the said Williame, suirlie beleving that the said Alexander wes deid, tuke and careyed him to his dwelling hous in Wester Coittis, and thair preist to caus him recover be geving him drink; bot at last, persaveing that he wes not likelie to recover, he maist cruellie and unmercifullie band him hand and fute, and kint ane lang corde about his middle waist, kaist and hang him in ane deip coilpathoill, quhair the said Alexander had not faillit to have perischit, wer not, be the providence of God, certane nichtbouris cuming by, heiring ane murmour, relevit him furth thairof; quhairby he hes contractit sic disease that he hes evir sensyne lyne bedfast in perrell of his lyffe."—Hendirsoun appearing for himself and the other pursuers, the defenders, for failing to appear, are to be denounced rebels.

To denounce the parson of Crawfordjohn and others for not appearing to a charge of violence and assault.

Complaint by Mr. James Durhame of Duntarvie, as follows:—Upoun 29th June last Johnne Hammiltoun, parson of Crawfurdjohnne, Mungo Galloway at the kirk of Crawfurdjohnne, Williame M^cMath, smith there, Johnne Gledstanis there, Henry Knoblok in Wattersyde, Robert Allasoun there, William Knoblok in the Dyke of Bagray, Archibald Williamesoun in Lenferschaw, and Arthour Purdie, schoolmaster, with their accomplices to the number of thirty persons, all armed with hagbuts, pistolets, and other weapons, came to the complainer's dwelling house in the abbey of Page 117. Lesmahago, and there violently broke up a girnel containing forty bolls of meal which he had sold to Williame Weir, apparent of Drumbroxhill, carried the same away with them to the kirk of Craufurdjohnne, put violent hands in the said Williame, took him prisoner, and detained him in captivity one hour.—The complainer appearing personally, the defenders, for not appearing, are to be denounced rebels.

cta 1598–601.

Complaint by Mr. George Young, archdeacon of Sanctandrois, as follows: —Upon 2nd July last, Richard Mowat, Williame Cullie, Andro Cullie, Thomas Mathie, Roger Jak, Roger Lindsay, Johnne Lindsay, James Watterstoun, Robert Ker, all residing in Barras, and Williame Bisset at the mill of Barras, had been denounced rebels at the complainer's instance for not paying him their whole teind victual of the said archdeaconry due of the crops 1597 and 1598. The said persons remain as yet at the horn. They are tenants of Williame, Earl of Angus, and dwell upon his lands, and therefore the Earl ought to enter them before the Privy Council.—The pursuer appearing personally, the Earl Angus, having failed to appear or to present the said rebels as charged, is to be denounced rebel. To denounce the Earl of Angus for not presenting certain rebels.

James Neving appears as procurator for the provost and bailies of Peblis, and gives in a copy of the letters raised by Williame Horsburgh of Edderstoun, charging the said magistrates to appear this day and produce the letters raised at their instance ordaining him to find caution for the indemnity of them and the inhabitants of the said burgh, with the view to the suspension of the same. Horsburgh failing to appear, the said procurator protests that the said letters against him shall be put to farther execution. The Lords admit the protest and ordain accordingly. Protest in favour of the provost and bailies of Peebles.

age 119.

Andro Kneland appears as procurator for Andro Weddell in Blaiklandis, Robert and Johnne Weddellis, his brothers, Johnne Weddell, elder, in Gartmiltoun, Williame Weddell, his son, Andro and Johnne Weddellis, sons of James Weddell in Gartingavok, and gives in a copy of the letters raised by George Stirling in Gairnekirk, and Robert Striviling, his son, charging the persons foresaid to appear before the Council and bring with them the letters raised at their instance requiring the said George and Robert to find caution for their indemnity, in order to the suspension of the same. Neither George nor Robert appearing, the said procurator protests that the said Andro Weddell and his colleagues shall be no farther proceeded against by virtue of the said letters till they are newly warned, and that the letters foresaid procured against the said George and Robert for finding the said caution shall be put to farther execution. The Lords admit the protest and ordain accordingly. Protest in favour of Andrew Weddell and others.

'age 120.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Advocatus; Collector; Tungland. Edinburgh, 5th September.

Letters raised by Mark, Lord of Newbotle, collector of taxation of 200,000 merks, set forth that James Douglas of Caveris, sheriff of Roxburgh, and Robert Turnbule, called Hob of Bedroule, his depute and clerk, have uplifted the taxation of the shire of Roxburgh, extending to £5193, 3s. 4d., but refuse to pay the same to the said collector or his deputes in his name.—The pursuer appearing by Archibald Prymrois, his procurator, but neither the sheriff nor his depute appearing as charged, the order is to denounce them rebels. To denounce the sheriff of Teviotdale and his depute for not appearing to answer concerning the taxation of Roxburghshire.

l age 121.

Supplication by the inhabitants of the town of Kirkintullo, as follows:

Act for rebuilding the bridge of Kirkintilloch and repairing the bridge of Inchbelly.

—"The brig of Kirkintullo is altogidder decayit and fallin doun, and the brig of Inchebellie, standing besyde thair toun, is almaist lykwise decayit, sua that, gif the same be not helpit in tyme, it will fall doun; quhairthrow the ordiner passage to and fra the west partis of this realme is gritely hinderit, and the puir travellaris and cadgearis, quhais onlie moyen dependis upoun the transporting of hering, wairis, and mercheandice to and fra the west, ar verie oft in danger of thair awne lyves, and some of thame hes lost thair hors this present yeir, to thair utter wrack and heirschip, thair being na uther convenient passage bot be the saidis briggis, and verie oft in the winter seasoun, and in all utheris tymes of storme and tempest, the watter is sa grite that thair is na passage at the saidis briggis,—sua that all his Majesteis leigis ar verie fer interest and hurte. And the puir cadgearis and travellaris quha careyis thair wairis be the saidis briggis wald frielie and willinglie contribute to the beiting and repairing of the same be geving of a dewtie of everie hors laid of geir quhilk salbe transported be the saidis briggis, as is used in mony utheris placeis of this realme, quhair the lyke releiff is requisite." Petitioners therefore humbly desire an Act of Council for remedy.—The Lords give commission for three years after the date hereof to Johnne Stark, burgess of Edinburgh, to raise the sum of 4d. for every horse-load of goods and merchandise which shall pass the said bridges, viz., 2d. for the passage at each bridge, to be applied to the building of the bridge of Kirkintullo and repairing of the bridge of Inchebellie, and ordain payment to be made to the said commissioner of the sum abovewritten in manner foresaid, under pain of poinding of the goods. Acta 1598-1601. Page 122.

Edinburgh, 6th September.

Sederunt—Cancellarius; Fyvie; Newbottle; Thesaurarius; Computorum Rotulator; Collector; Clericus Registri.

Comptroller to accept certain offers made by MacDonald of Knockrinsay to his Majesty for the establishment of order in Kintyre and Islay.

Sir David Murray of Gospartie, comptroller, having given in the following offers made by Sir James M°Conill of Knokrinsay, touching the establishing of his Majesty's authority and advancement of his profit within the lands of Kintyre and Ilay, and requested advice anent receiving or refusing the same, the Lords advise and consent that the Comptroller should receive the same, and deal with the said Sir James for their performance in every point:—(1) The said Sir James offers to his Majesty to cause the whole surname of Clan Donald and all other disobedient persons to remove furth of all the lands of Kintyre, as well kirklands as others, not only those pertaining to his Majesty in property, but also those alleged to belong heritably to the said Sir James's father, viz., Angus M°Conill of Dunavaig and Glennis, or that his wife may claim in liferent within the said bounds, to the effect his Highness may set and dispone the same at his pleasure; and, if he shall set the foresaid lands in assedation or otherwise to other tenants, then the said Sir James shall maintain and defend them at his uttermost power. (2) Concerning the lands of Ila, estimated at 360 merkland of old extent, the said Sir James is content that the castle of Page 123.

Acta 1598–1601.

Dunavaig, with 60 merkland lying nearest thereto assigned to the keeping thereof, shall remain with his Majesty for the use of such keepers as he shall appoint thereto. (3) As to the rest of the said lands of Ilay, extending to 300 merkland, the said Sir James desires most humbly that it may be set to him in feufarm heritably at 40s. per annum for every merkland thereof, bearing the clauses in the infeftments made by King James the Fourth. (4) The said Sir James shall be holden to pay yearly for the entertainment of the said Angus, his father, during his lifetime, whereso-ever it shall please his Majesty to appoint his residence, the sum of 1000 merks, without any "defaisance or allowance" to be given to the said son in the feu maills of Ilay. (5) The said Sir James shall deliver

, his brother, to remain in custody wherever his Highnes shall

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appoint, as pledge for the said Sir James's obedience in time coming and for the fulfilment of all conditions now made, or that hereafter shall be made, with his Majesty or comptroller.—Subscribed by the said Sir James at Falkland, 10th August, before Alexander M'Dowgall, parson of Kildalthan, Oliver Donaldsoun, servant to the King's grace, and Johnne Fentoun, comptroller-clerk.

Entry of MacGregor prorogated.

The Lords of Council, with consent of James, Commendator of Incheffray, and Sir Johnne Murray of Tallibardin, prorogate the entry of Allaster M'Gregour of Glenstrae before his Majesty and Council unto 15th November next, the said persons being content to enter him upon that day under pain of 10,000 merks.

Protest in favour of the Commendator of Inchaffray, and hand by Murray of Tullibardin.

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Sir Johnne Murray of Tullibardin having entered Johnne Dow M'Ewne as pledge for the said M'Gregour, conform to the act whereby the said Sir Johnne, and James, Commendator of Incheaffray, had become bound for the entry of the said pledge (*ante* p. 20), the latter protests that he shall be relieved of all farther duty in that matter. The Lords admit the said protest, at the same time delivering back the said pledge to Sir Johnne, to be of new entered before them upon the day appointed for the entry of M'Gregour. Sir Johnne, accordingly, becomes bound in 5000 merks to re-enter the said pledge before the Council on 15th November next.

To denounce Adam and Andrew Boyd, and others, for not appearing to a charge of assault and reif.

Complaint at the instance of Colonel David Boyde of Tourgill, as follows: —In April last, while he was walking in peaceable manner upon the high street of Glasgu, Adame Boyde, son of Thomas, Lord Boyde, with his accomplices, set upon him behind his back, and "maist schamefullie and unhonestlie, with drawne swordis, invadit and persewit him of his lyffe, hurte and woundit him in the schoulder, and had not faillit to have slane him upoun sett purpois and provisioun, wer not, be the providence of God, his awne defence, and help of some of the inhabitantis of the said citie, he wes relevit." Again, upon 31st July last, the said Adame, accompanied by Andro Boyde, son of Quintene Boyd in Galloway, and their accomplices, all armed with hagbuts and pistolets, came by way of hamesucken to the place of Kilmarnok, and there "dernit thameselffis and lay at await" to murder complainer; and, seeing they could not

apprehend him, they "schamefullie and barbarouslie goirit and hocheit thrie naigis," and took away with them other three nags.—The complainer appearing personally, the said Adame and Andro, for not appearing, are to be denounced rebels. Acta 1598–1601. Page 126.

The same denounced on another charge.

Another complaint against the said Adame and Andro Boyde, by Jeane Ker, Mistress of Boyde, and George Hepburne and Donald Fullartoun, her servitors, to the effect that, upon 31st July last, they, with Johnne Galbraith and Johnne M°Gipsie, their servitors, and others, all armed with hagbuts and pistolets, came at night to the wards of Kilmarnok, and there barbarously houghed two horses belonging the complainers. —Hepburne and Foullertoun appearing for themselves and their said Mistress, the accused, for failing to appear, are to be denounced rebels.

To denounce Patrick Scott for not appearing to a charge of assault.

Complaint by Williame Leslie that, upon 24th June last, while he was walking in the town of Perth, Patrik Scott and his accomplices cruelly assaulted him upon the calsay street there, and did all they could to have his life.—The complainer appearing personally, Scott, for failing to appear, is to be denounced rebel. Page 127.

Protest in favour of the Treasurer.

Alexander, Master of Elphingstoun, treasurer, appears and gives in a copy of the letters raised by Johnne Irwing of Kynnok, charging him to appear this day and produce his Majesty's letters raised at his instance whereby Irwing was ordained to pay to the Treasurer £40 for the escheats of Finlay Ferme and £10 for the escheats of Gilbert and Johnne Hayis, burgesses of Tayne, in order to the suspension of the same.—Irwing not appearing, the Treasurer protests that he shall not be held to answer to the said letters of suspension till again warned, and that the sums foresaid, consigned by the said Irwing, shall be delivered to him as treasurer. The Lords admit the protest and ordain accordingly.

Holyrood-house, 8th September.

Sederunt—REX; Cancellarius; Neubottle; Thesaurarius; Secretarius; Advocatus; Collector; Computorum Rotulator; Clericus Registri; Spott. Page 128.

Officers of his Majesty's house against Seton of Parbroth, for debts incurred in the time of his comptrollership.

Complaint by the ordinary officers and furnishers of his Majesty's house, as follows:—In the time of the comptrollery of David Seytoun of Parbroth he burdened the complainers, each in his own particular calling, to advance to the King's house "sic thingis as wer propir to thair officeis" upon his promise to make them payment. "For a testimonie of thair willingnes to do his Majesteis service", the complainers undertook the said burden; and, where their own "moyen" failed, they employed their credit,—so that, from the time of said Comptroller's entry to that office to his resigning of the same, he owes to the complainers the sum of £11,053, of which as yet they have never received a penny. Nay, "to thair forder hurt and inconvenient," he has obtained "ane supersedere" for £8000 of the said amount owing to them, and for which they are obliged to their creditors; "quhairby thay ar frustrat and disapointit of all executioun aganis him, and thay, for that same soume quhairin he standis oblist to thame and quhairupoun

Acta 1598–1601.

he hes purchest his Majesteis supersedere, ar undir the danger and hasard of horning, warding, and comprising of thair landis and guidis, to thair

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utter wrack and undoing."—Johnne Robiesoun, master flesher to his Majesty, Johnne Seytoun, coalman, William Lyell, fishman, and Andro Quhyte, appearing for themselves and the other pursuers, and Seytoun appearing by his son, the complainers pass from pursuit of Seytoun for the said sum of £8000, and accept his Majesty as their debtor for the said sum, craving to have execution against Seytoun for the balance of the said sum, extending to £3053. Accordingly, the King and Council, in respect of the voluntary passing of the complainers from the pursuit of the late comptroller for the said sum of £8000, and their acceptation of his Majesty to be their debtor to that amount, decern the said supersedere to be null, and authorise the complainers to pursue the defender for the said sum of £3053, as accords of the law.

Proclamation of a raid by the Earl of Angus on the West March, with charge to assist him.

Understanding that Williame, Earl of Angus, lieutenant and warden of the West March, has proclaimed a raid for 22nd instant, "for persute of some of the disordourit and brokin men" within the west wardenry, and that in all the former raids appointed by him he has not had the assistance of the lieges within the said bounds, "sua that the luiked for succes of his panes and travellis hes bene frustrat and disapointit,"

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the King and Council direct charge to be given all and sundry earls, lords, barons, freeholders, gentlemen, and feuars, dwelling within the said wardenry, and the shires of Roxburgh and Peblis, Carrik, Kyle, and over ward of Cliddisdale, to meet, well armed and furnished with 15 days' victual, the said lieutenant at the days and places following: viz., the inhabitants of the said wardenry, Kyle, Carrik, and over ward of Cliddisdaill, and shire of Peeblis, at Drumfreis upon 22nd instant, and the inhabitants of the shire of Roxburgh at the Langholme upon 24th September instant. The inhabitants of the shire of Roxburgh are also required to "hald hand that the outlawis eschaipe not upoun that syde, under the pane of tinsall of lyffe, landis, and guidis." There is also to be charge to the provosts, bailies, and councils of the burghs following, under the same pain, to send the number of hagbutters underwritten to Drumfreis upon 22nd instant, with sufficient powder and bullet, viz., Wigtoun, 14 hagbutters, Quhithorne, 6 hagbutters, Kirkcudbricht, 20 hagbutters, and Drumfreis, 40 hagbutters, with 24 pioneers and masons. In aid of this service, there is discharge of all licences and exemptions granted to any persons within the said bounds for remaining from hosts and raids.

Ordinance anent the cunyie, native and foreign.

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The King, Nobility, Council, and Estates, convened in December last, perceiving the disorder and confusion in the cunyie likely to follow "be the libertie quhilk some men tuke at thair plesour to hicht and rais the priceis alswele of propir as foreyne cunyie, and to transport the same furth of this realme," had ordained that the ounce of silver of his Majesty's own cunyie of eleven deneirs fine should be current for 53s. 4d., the ounce of gold of his Majesty's own cunyie of 22 carat fine for £32 per ounce, the ounce of silver of the fineness foresaid of foreign cunyie for 50s. per ounce,

and the ounce of gold of foreign cunyie of the fineness foresaid for £30 the ounce. The said foreign gold and silver were to be current at the prices specified in the said Act only from the date thereof to 1st February last (printed in full in Acts of Parl., iv. p. 178). And now, "his Majestie still continewing in that gude mynd to hald his Hienes awne cunyie at the moderat and ressonable priceis quhairat the same presentlie standis, and being nawise myndit with the purchessing of a small gayne to himselff to hurte and indomage his Hienes gude subjectis," it is therefore concluded that the King's own cunyie of gold and silver shall remain at the prices fixed by the said Act, whereat they presently stand; but, the 1st February last, the day appointed for the course of the said foreign gold and silver, being now long past, his Majesty, with advice of his Council, discharges the same to have any farther course after the publication hereof, ordering it to be all brought to the cunyiehouse as bullion, for which the owners shall receive good and ready payment in the King's own cunyie, and certifying "thame that salbe fundin outing, exchangeing or ressaving of the said foreyne gold and silver," that not only the same but also all the rest of their moveables shall be confiscated. The lieges are also discharged of all exporting of any gold and silver, under the pains contained in the Acts and proclamations made thereanent; and, further, his Majesty understanding that divers persons exchange gold and silver, sometimes under colour of bringing the same to the cunyiehouse, "to the grite hinder of his Majesteis service and fostering and interteneying of disorder and confusioun in the esteat of the cunyie," all and sundry are discharged from making any such exchange, and are required to bring the gold and silver to the cunyiehouse, where the money shall be exchanged, and they shall receive payment therefor from such persons as are appointed to that effect, under pain of confiscation of all the moveables of offenders. Publication hereof is ordered, with a charge to all and sundry who are anywise "addettit and awand thair bulyeoun" since 12th March 1596 to make payment thereof to the master cunyieour within six days after the charges under pain of rebellion.

Acta 1598-1601.

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Charge for the entry of Lord Herries, the Laird of Drumlanrig, and Lord Maxwell.

The King and Council having resolved that Williame, Lord Hereis, Sir James Douglas of Drumlangrig, Sir James Johnnestoun of Dunskellie, and Johnne, Lord Maxuell, shall be presented before them at Linlithqu upon 15th instant, to answer for not "performeing of sic thingis as wer injoyned to thame be his Majestie the tyme of thair warding," touching the entry of their pledges to the Lieutenant, charge is to be given to Alexander, Lord Levingstoun, to present Douglas, and to Ludovick, Duke of Lennox, to present Johnnestoun, and to Mark, Lord of Neubottle, to present Hereis, on the day foresaid.

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Act prorogating the meeting of the General Assembly from 2nd October next to the 19th of the following March.

"Forsamekle as the Generall Assemblie of the Kirk being appointed to be haldin and begin at Montrois upoun the secund day of October nix to cum, quhairat his Majestie intendit in propir persone to have bene present, for conferring, reasoning, and treating upoun sindrie materis importing the weill and benefite of the Kirk, yit, be ressoun of the troublit and disordourit

Acta 1598-1601.

estate of the West Marche and the universall contempt and dissobedience of the rebellious and dissobedient inhabitantis thairof, his Majestie is maist necesserlie constrained to attend upoun the setling and quieting of that cuntrey, and reduceing of the authouris of the disordouris of the same to obedience, quhilk may not without grite inconvenientis suffer ony delay; and becaus of the important and wechtie effearis to be entreated at the said Assemblie, quhilkis, be commissioneris without his Majesteis awne presence, will not tak effect:—his Hienes thairfoir hes thocht meit to prorogat and continew the said Assemblie unto the xix day of Marche nix to cum, to the effect in the meane tyme the commissioneris appointit be the last Assemblie at Dundee may convene with his Majestie upoun the saxt day of November, and advise, ressone, and confer upoun the speciall and wechtie effearis to be treated at the said Assemblie, sua that all thingis may be decentlie and ordourlie handlit as the gravitie of that Assemblie requiris; and thairfoir ordanis letters of publicatioun to be direct heirupoun, quhairthrow nane pretend ignorance of the same."

Sederunt—Rex; Hammiltoun; Angus; Levingstoun; Neubotle; Thesaurarius; Secretarius; Clericus Justiciarie; Advocatus; Collector; Clericus Registri; Computorum Rotulator; Cesfurde; Carmichaell; Spott. Linlithgow, 15th September.

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Complaint by Mark, Lord of Newbotle, collector of the taxation of 200,000 merks, that Alexander Maxuell of Balgreddane, steward depute of Kirkcudbricht, and Robert Ashynnane of that Ilk, steward clerk of the same, have uplifted part of the tax of the said stewartry, extending to £1028, which they refuse to pay to the said Collector, unless they be compelled.—The Collector appearing by Archibald Prymrois, his procurator, the said persons, for not appearing or having made payment, are to be denounced rebels. To denounce Maxwell of Balgredan and another for not appearing to account for tax-money of the stewartry of Kirkcudbright.

Action at the instance of George Ramsay of Dalhoussie, heir, at least apparent heir, of the late Alexander Ramsay of , and Williame Sinclar of Rosline, Sir George Douglas of Helenehill, Mr Johnne Nicolsoun, one of the commissaries of Edinburgh, and George Ramsay, dean of Restalrig, commissioners appointed by the said George for administering his affairs during his absence:—The said late Alexander, his heirs and assignees, had a tack from the late Ramsay of Dalhoussie of all the lands of Edslaw, mill and mill-lands of Keringtoun, lying in the barony of Keringtoun, within the shire of Edinburgh, whereof there are divers years yet to run. After his decease in last, the right to the tack of

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the said lands and mill, as also the heritable right thereof, came to the said George, who has the only undoubted heritable right to the same, and was infeft and seised therein: "conforme to the quhilk the saidis complenaris luiking peceablie to have gotten possessioun of the saidis landis and myln eftir the deceis of the said umquhill Alexander, but trouble or impediment to have bene moved aganis thame, treuth it is nochtwith- Action by George Ramsay of Dalhousie, and his commissioners, against his brother David Ramsay.

standing that David Ramsay, brother germane to the said George, takand the advantage of his absence furth of this realme, and under cullour and pretext of the said George professing to mantene and defend his richt of the landis and myln abonespecifeit, immediatlie eftir the deceis of the said umquhill Alexander, maist wrangouslie, violentlie, and by all ordour of law and justice, intrusit himselff in the possessioun of the saidis landis and myln." He has uptaken the maills and duties thereof since, and still possesses the same, intending by way of "deid, oppressioun, and bangastrie" to debar the said George from the said lands and mill, and appropriate the same to himself.—The complainers appearing by Alexander Douglas, macer, their procurator, the said David, for failing to appear, is to be denounced rebel. Acta 1598-1601.

William Paterson against the bailies of Edinburgh for false imprisonment.

Complaint by Williame Patersone, son of the late Williame Patersoun, merchant, burgess of Edinburgh, as follows:—Upon 11th September instant, while he was doing his lawful affairs in the burgh of Edinburgh, the bailies thereof, without any crime committed by him, and he not being a town's man, apprehended him and committed him to ward within their tolbooth, where they yet detain him. Although he has offered them caution to answer for any crime which they can lay to his charge, they refuse to receive such.—The complainer appearing by Robert Hammiltoun, his procurator, but Johnne Moriesoun and Williame Hammiltoun, bailies of Edinburgh, having failed to appear, or to have released the said complainer, as charged, the order now is to charge the said bailies again as before to put complainer to liberty within six hours after being charged, under pain of rebellion. Page 136.

David Nairn against George Moutray: Abstraction of a box of title-deeds.

Action at the instance of David Narne, portioner of the Newtoun of Reres, as follows:—After divers controversies between George Multray, elder of Seyfeild, and Henrie Multray, fiar thereof, his son and apparent heir, there had been a mutual contract between father and son, dated at Dysert 11th January 1592, and registered in the books of Secret Council upon 15th January following. By this contract it was agreed that all the old evidents and writs of the lands of Seyfeild, half lands of Tyrie, and whole lands of Markinche, should be sighted and inventoried, and thereafter put in a kist or coffer, which, with the said evidents, was to be delivered to the late David Narne, portioner of the Newtoun of Reres, and his heirs, to be furthcoming to both the said parties according to law. Conform to the said contract, the said writs were delivered, in a box and coffer locked, to the said late David, whereof there was one key delivered to the said George and another to the said Henrie, to the effect that "nane of the saidis evidentis thaireftir sould be sichtit but ather of the saidis pairteis consent had thairto." Further, according to the said contract, both the said parties at divers times had conjunctly had access to the said box, not only in the time of the said late David, the complainer's father, but also at sundry times since his decease,—"the samyn writtis being in the said complenaris handis as air to the said umquhill David." At last, "according to baith the saidis pairteis accustomat use for sichting and visiting of Page 137. Page 138.

Acta 1598 601. the saidis writtis," the said George, accompanied by Johnne Multray, his son natural, Williame Multray, his brother, Peter Narne and George Narne in the Newtoun of Reres, with others, to the number of ten persons on the one part, and the said Henrie on the other part, came, on Sunday 26th August last, to the complainer's dwelling house in the Newtoun of Reres; and there, after opening the said coffer, and reading certain tacks which were in the said box, and reponing thereof again in the said coffer, and locking of the same again, the said George, "fer by the said complenaris expectatioun, he being solitar his allane within his said duelling house," violently, by himself and his accomplices foresaid,—to the "grite hurt and wrack" of the complainer, "baith the saidis pairteis haveing his band subscryvit be him and his said umquhill fader upoun the ressett of the saidis evidentis,"—reft the said coffer with its whole evidents, and kept the complainer within his house by force till they had abstracted the said coffer and writs, and so "compellit the said complenar to brek up and pas oute at ane window for recours thairof." They still withhold from him the said box and titles.—Charge had been given to the said George, Williame Multray, Johnne Multray, and Petir Narne, to appear and answer to this complaint; and now, both the said parties appearing
Page 139. personally, the said matter is remitted to the Lords of Council and Session, to be decided by them according to law.

Lord Herries released from ward on his promise given.

Williame, Lord Hereis appears and promises to make his men answerable to justice, as well by redress of complainers as by entering pledges according to the general band. Wherefore, and because Williame, Earl of Angus, lieutenant and warden of the West March, has declared in presence of the Council that the said Lord had always shown himself obedient, he is released furth of his present ward in the castle of Thomptalloun, and licence is granted to him to depart home. It is ordained, however, that the other landlords now in ward, in default of making the like obedience, shall not be set at liberty till they make like submission.

Ordinance anent Lord Maxwell and the Lairds of Johnston and Drumlanrig.

The King and Council, "for the bettir setling and quieting of the disordourit estate of the West Marche, and reduceing of the rebellious and inobedient inhabitantis thairof to obedience, be straiting and compeling of thair maisteris and landislordis to ansuer for thame be plegeing and redressing of complenaris, conforme to the lawis," have thought meet that Johnne, Lord Maxuell, be warded in Edinburgh Castle, there to remain till he make his men obedient, and enter to the Lieutenant the pledges whom he was charged to present, as also that the Lairds of Drumlangrig and Johnnestoun be still retained in ward till the like obedience be shown by them. And, because the Laird of Johnneston's warding place in Dumbartane Castle is thought to hinder him in making offers of obedience for
Page 140 his men, in respect his friends "dar not repair to him to the said castell, seing sindrie of the personis with quhome he standis under deidlie feidlyis aboute the said castell," therefore the Lords of Council find that his Majesty may change his ward to the castle of Down in Menteyth. Further, the said Maxuell, Johnnestoun, and Douglas having disobeyed the charge to

enter their pledges to Williame, Earl of Angus, lieutenant of the West March,—thus doing all they can "to schaik lowse the cuntrey,"—the said Lieutenant is ordained to take their houses of Carlaverok, castle of Drumfreis, Drumlangrig, and Lochwode, "and be advise of the baronis of the cuntrey to appoint ane nowmer of souldiouris in garrisoun to keip every ane of the saidis houssis," at the expenses of the rents of the said persons, till they render their obedience to his Majesty and lieutenant. Accordingly, charge is to be given to the said persons and the keepers of their said houses to deliver the same to the Lieutenant within six hours after the charge, under pain of treason, as also to the tenants of the said persons to pay the monthly allowance for keeping the said houses within six days after the first day of every month, beginning on the morning after the delivery of the said houses, under pain of rebellion. Acta 1598-1601.

Charge for the entry of Johnstone of Lockerby.

Understanding the "foule and unworthie attempt committit laitlie be Francis Johnnestoun of Locarbie in presence of the Lieutenant, to the appeirand brek of the assuirance tane for quieting of the cuntrey, and to the hasarde of the peace and bringing on of mony inconvenientis, wer not the said Lieutenant and the baronis and gentilmen present with him appeased and setlit the same," the King and Council order charge to be given to the Laird of Johnnestoun either to enter the said Francis before the said Lieutenant, or else to remove and hold him furth of the bounds of Annanderdale. Page 141.

Order for bringing a hundred Highlanders into the West March.

For the better "dantoning and repressing of the dissobedient personis of the said West Marche quha salbe declairit fugitives and outlawis," it is thought necessary that "ane hundreth hieland men be send for to Drumfreis, to be intertenyed upoun the expenssis of the said outlawis rentis and leving."

Intromitters with the King's property to find caution.

For better assurance of payment of the King's proper rent, all chamberlains, factors, and tacksmen of his Majesty's property, customs, and imposts are to find caution for due payment of the same, conform to their commissions and tacks.

William Bell against the late Comptroller.

Complaint by Williame Bell, servitor to her Majesty, that Sir George Home of Weddirburne, late comptroller, owes him 100 merks for his fee from Whitsunday to Martinmas 1598, and that he can get no payment thereof. The other servitors and furnishers of their Majesties' houses had obtained letters of horning against Sir George, who has thus been "forceit to aggrie with thame"; but, the petitioner having been left out of their letters "in respect of his absence for the tyme," Home refuses to make him payment.—Bell appearing personally, but Home failing to appear, the Lords ordain Home, again as before, to pay to Bell the said sum within six days after the charge, under pain of rebellion. Page 142.

Act rescinding an Act of the Burghs against importing English cloth.

Understanding the "grite dampnage sustenit be his Hienes leigis throw the derth and want of Inglis claith and stemyngis within this realme throw the dischargeing of inbrynging of the samyn, thair being na present ordour tane for working of the cuntrey woll for use of the people," and also "that the commissioneris of burrowis in thair last Conventioun, haldin at Linlithqu in the moneth of last, hes, on thair pretendit maner, with-

cta 1598–601. out ony lawfull warrand or authoritie, maid and sett doun ane Act anent the restraint and transporting of woll and punischeing of the transportaris thairof, ordaning everie burgh within this realme to do thair exact deligence in punischeing of thair nichtbouris, transportaris of woll, under the pane of fyve hundreth merkis,—quhairthrow as thay have usurpit upoun thame the royell power and authoritie of our Soverane Lord and his Esteatis in ige 143. setting doun of lawis, swa have thay verie fer prejugeit his Majestie in his customes, seing for feir of the said act his leigis hes forborne to transport woll";—the King therefore, with advice of the Council, rescinds the said pretended Act, and gives free licence to all merchants to export wool and linen cloth and to import all sorts of English cloth and merchandise made of wool, for six months after the date hereof, the said merchants to pay the due custom of the same, conform to the Acts of Parliament, and A, B, C of the Exchequer set down thereanent. Proclamation hereof is to be made at the market crosses of the head burghs.

His Majesty, understanding the good affection of Sir Johnne Carmichaell of that Ilk and his long service on the West March, constitutes him warden of the same, with power to hold warden and justice courts ge 144. within the bounds thereof at such days and places as he shall think expedient, and generally to do all and sundry other things which to the office of warden are known to pertain, and commands all subjects within the said bounds to obey and assist him. Publication to be made hereof, and the commission to continue during his Majesty's pleasure.

Holyroodhouse, 18th September. Carmichael of that Ilk appointed warden of the West March.

Alexander, Lord of Spynie, appears and promises to enter Sir Walter ge 145 Lindsay of Balgai before the Presbytery of Edinburgh upon 9th October next, "and that he sall follow thair directioun anent the place of his remaning quhill he satisfie thame anent his religioun." He promises to become cautioner for Lindsay upon the conditions specified in the first act whereby he became bound for him (*see* vol. v. p. 719), "and, failyeing of his entrie at the [day] foresaid, that then he sall clois his mouth and be na forder a procuirar nor solistar for him."

Holyroodhouse, 21st September. Promise by Lord Spynie for the entry of Lindsay of Balgay.

Despite divers Acts of Parliament forbidding the lieges, and others repairing to this country, to export certain goods, and requiring licences for such exportation to be subscribed by the treasurer for composition and registered in the treasurer's book, yet divers subjects, "preferring thair awne privat gayne to the commounwele," and moved by past negligence in enforcing the Acts, "hes takin and daylie takis the bauldnes to transporte publictlie and avowedlie, and sumtymes secreitlie, all sortis of forbiddin guidis at thair plesour." There is therefore an order to enforce the said Acts against offenders, and to charge all and sundry by open proclamation not to export any forbidden goods after publication hereof under any colour or pretence, or by virtue of any licences not subscribed, ge 146. componed for, and registered as above.

Holyroodhouse, 22nd September. Proclamation against exporting forbidden goods.

Linlithgow, 9th October.

Sederunt—REX; Lennox; Levingstoun; Fleming; Thesaurarius; Kinlos; Collector; Advocatus; Clericus Registri; Carmichaell. Sederunts, Fol. 13, a.

[No record of proceedings.]

Holyrood-house, 23rd October.

Sederunt—REGE PRESENTE—Lennox; Angus; Mar; Flemyng; Levingstoun; Fyvie; Thesaurarius; Blantyre; Collector; Advocate; Clerk of Register; Traquair; Cesfurde; Ormeistoun; Carmichaell; Comptroller.

The magistrates and council of Montrose committed to ward for disobeying an order to appoint the Earl of Mar as their provost

Robert Lichtoun, provost of Montros, Williame Petrie and James M°Kene, bailies of the said burgh, Williame Murray, Williame Ramsay, Andro Batie, David Fullartoun, Williame Hardy, Williame Barkley, Thomas Lambie, Williame M°Kene, Andro Petrie, Alexander Hardie, councillors thereof, and James Guthrie, their clerk, having been charged by his Highness to elect Johnne, Earl of Mar, to be provost of the said burgh for this year, had disobeyed the charge and wilfully passed to the horn. The said Earl and the whole of the defenders appearing personally, and the latter having produced a suspension of the charges executed against them for electing the said Earl as provost, bearing that caution had been found by them for his election in case it were found by the Lords of Session that they ought to elect him,—the King and Council find that the defenders have done wrong in not electing the said Earl, and "for useing of a pretendit forme of electioun of thair awne," contrary to the tenor of the caution found by them, and "be the unlawfull ressaveing of the aithis of the inhabitantis of the said burgh to assist thame in thair said electioun." They therefore ordain the defenders to be committed to ward in the castles of Blaknes and Downe of Menteith during his Majesty's pleasure. Acta 1598–1601. Page 146. Page 147.

Holyrood-house, 24th October.

Sederunt—REGE PRESENTE—Lennox; Angus; Mar; Levingstoun; Fleming; Fyvie; Thesaurarius; Blantyre; Advocatus; Collector; Cesfurde; Tracquair; Computorum Rotulator; Carmichaell. Sederunts, Fol. 13, a.

[No record of proceedings.]

Edinburgh, 1st November.

Sederunt—Cancellarius; Fyvie; Secretarius; Kinlos; Collector; Advocatus; Custos Secreti Sigilli; Clericus Registri. Acta, p. 147

To denounce Mr. John Dykes, minister of Kilrenny for not appearing to a charge of libel.

Mr. Johnne Dykis, minister at Kilrynnie, having failed to appear before the King and Council this day, conform to the charge given to him, under pain of rebellion, "to have bene examinat and tryit anent the infamous lybell cassin in laitlie befoir the Synodoll Assemblie at Sanctandrois, and send to his Majestie be Mr. Thomas Douglas, minister," is to be denounced rebel.[1]

[1] The story of Mr. John Dykes and his offence is as follows:—Since September 1598, when King James had published anonymously at Edinburgh his *True Lawe of Free Monarchies; or the reciprock and mutual Dutie betwixt a Free King and his Naturell*

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Action at the instance of Williame Dumbar of Hemprigis, as follows: —James, Earl of Murray, alleging that complainer troubled him and his tenants in the possession of the lands of Quhytfeild, obtained letters charging complainer to find caution for the indemnity of him and his tenants, under the pain of £2000, and for his alleged disobedience he has denounced complainer rebel. Now, complainer had never received proper intimation of the charge, and was altogether ignorant of it; and, "gif ony sic chargeis wer used aganis the said complenar, the same hes bene quietlie and secreitlie used, unaffixing a copie or useing of the remanent ceremoneis requisite and necesser in sic chargeis, purpoislie to steill him to the horne, and thairby to draw him under grite inconvenientis." If he had known of the charge before being denounced, he would have used the ordinary remedy of the law, and he had many good reasons for suspension of the said letters, *e.g.*, that he had never troubled the said Earl or his tenants, nor has the Earl in his letter stated any fact against complainer, "bot generallie that he molestis him in the possessioun of the landis of Quhytfeild"; which, indeed, belong to the complainer as assignee to James Stewart, tacksman thereof for the time. The said assignation in his favour is allowed by a decree of removing obtained by him before the Lords of Council and Session against the tenants of the said lands, conform to which decree the complainer is entered to the real and actual

Suspension of horning against Dunbar of Hemprigs.

Subjectes, he had been busy with another work, — the celebrated *Basilicon Doron* or "Royal Gift" to his son Prince Henry, in the form of instructions in the art of Government. It is heard of as in progress as early as October 1598 (*Calendar of English State Papers relating to Scotland*, p. 759), as ready for press in Feb. 1598–9 (*Ibid.*, p. 766), and as actually in print in June 1599 (*Ibid.*, p. 770). It was printed, however, with the utmost precautions against general circulation, the printer, Robert Waldegrave of Edinburgh, being sworn to secrecy, and only seven copies being thrown off, for presentation by the King himself to his chief courtiers and private friends. One of these copies, given by the King to Sir James Semple of Beltrees, a courtier of literary note, who had assisted him in the manuscript for press, had been privately shown by Sir James to his friend Andrew Melville; and Melville, greatly interested in the contents, had extracted those propositions of the book which bore on ecclesiastical polity. They were startling enough in their anti-Presbyterian purport: —*e.g.*, "The ruling of the Kirk weill is no small part of the King's office"; "the King sould be judge if a minister vaig from his text in the pulpit"; "No man is more to be hated of a King nor a proud Puritan"; "Parity among the ministers cannot agree with a monarchy"; "Without bishops the three Estates in Parliament cannot be re-established: therefore bishops must be and parity banished and put away"; "Puritans are pests in the Commonweal and Kirk of Scotland"; "The ministers sought to establish a democracy in this land, to become *tribuni plebis* themselves, and lead the people by the nose, to bear the sway in all the Government"; "No conventions or meetings of kirkmen to be suffered but by the King's knowledge and permission." These propositions and others, by way of abstract of the book, were sent by Andrew Melville to his nephew James Melville, and were by him communicated to his friend and colleague, Mr. John Dykes, minister of Kilrenny, but then officiating at Anstruther. Dykes was bold enough to bring the subject, with the specimen propositions from the book, before the provincial synod of Fife at its meeting at St. Andrews in September; and the synod, finding the propositions "treasonable, seditious, and wicked," but professing not to believe that they had emanated from the King, sent him a copy. "The King, knawing the warrand [*i.e.*, the printed copy of the *Basilicon Doron*] durst nocht be exhibit, gettes knawlage of the brother that gaiff tham in, and sends to apprehend him, but God watched over him and saved him," is James Melville's account of the result (*Diary*, p. 444). Dykes, in fact, had absconded. He remained in danger for about a year.

possession of the said lands; so that, if the Earl had any quarrel with the complainer's right and possession of the said lands, he ought to have proceeded regularly, and not have used "sua extraordinar and indirect meanis as unlawfullie, for allegeit not finding of lawburrows, to have stollin the said complenar to the horne." For the Earl will not make faith that he dreads harm of the complainer,—"quhilk faith, according to the commoun and daylie practik, sould have preceidit the useing of the allegeit charge." Besides, the said letters are raised without the knowledge or permission of the said Earl, as the said Earl has declared by his letter. Farther, the complainer pleads, the said sum of £2000 is "verie extraordinar and grite, fer abone the sowmes usuallie grantit aganis personis of his rank and calling in materis quhair thair is na knawne and notour deidlie feid, he being bot a meane gentilman of a small leving, haveing na particular aganis the said Erll, nor thair being na debetable actionis depending betuix thame"; and, in the Act of Parliament made anent the finding of lawburrows, the sum of £2000 is set down as a penalty proper to Earls. However, to the effect the Lords may understand that complainer means not to molest the said Earl, he has found caution in 1000 merks. On all these grounds, the said letters of horning should be suspended simpliciter.—The complainer appearing personally, and the said Earl by James Tarres, messenger, his procurator, the Lords do suspend the said letters of lawburrows and process of horn contained therein, but ordain the said caution to stand in force for the indemnity of the Earl and his tenants if the Earl shall make faith that he dreads harm of the complainer, and remit the question of the nullity of the said horning to the Lords of Council and Session, to be decided by them according to law.

Acta 1598–1601.

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John Workman against John Sawers: dispute as to the monopoly of painting coats of arms.

Complaint by Johnne Workman, painter, burgess of Edinburgh, as follows:—His Majesty had by his letters made complainer for his life "painter of the armes of all knichtis, lordis, erllis, merquessis, and dukis" in the time of "thair belting and promotioun," as also on all occasions of their forfeiture, restitution, funeral, &c., as is proved more at length by his Majesty's gift, containing a discharge to all other painters of all drawing or painting of the said arms. Accordingly, complainer has peaceably enjoyed the said office during the last seven years, and has been authorized and maintained therein by the lyon king-of-arms and his brother heralds. "He onely hes bene acknawlegeit" in the office till of late that Johnne Sawaris has, "be some prevey moyen, purchest ane gift of the said complenaris office ouer his heid." As the complainer "standis fullie possest in the said office" and in the discharge thereof cannot be justly challenged with reproof, he pleads that the gift to Johnne Sawaris should be discharged.—Both parties appearing personally and producing their respective gifts, the Lords, after inspection of both the said gifts, find both "to be inconsideratlie grantit," and therefore give licence to such persons as have to do with painting "to mak chois of thair awne craftismen as thay may be had best and best chaip"; and they ordain that, "in cais ony wrang or offence be committit be ony painteris in painting wrang of quhatsumevir

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cta 1598–601. armes," the matter be remitted to the lyon herald to be taken order with as accords.

Sederunt—Cancellarius; Neubotle; Thesaurarius; Secretarius; Collector; Kinlos; Advocatus; Custos Secreti Sigilli; Clericus Registri; Computorum Rotulator. Holyrood-house, 6th November.

Decree against Douglas of Drumlanrig and others, his cautioners.

Complaint by Sir James Douglas of Drumlangrig, Robert Dalzell, elder of that Ilk, and Robert Dalzell, younger of that Ilk, as follows:—Francis, Earl of Errole, Alexander, Lord Levingstoun, and Mark, Lord of Neubotle, donators to the liferent of James, Lord Hay of Yester, and Cunynghame, son of Johnne Cunynghame of Birkshaw, and the said Johnne, as lawful administrator to him,—on the allegation that they had procured a decree against the pursuers upon 7th June last, ordaining that an act of caution whereby the said Sir James had found the said Dalzells, elder and younger, sureties for him in £10,000 for making his men answerable to
ge 152. justice, had been contravened, as also ordaining the said pursuers to remove James and Johnne Johnnestonis and Robert Lowry furth of the lands of Sned called Nether Bordland (*ante* p. 1–2),—had obtained letters in their own name and in that of Alexander, Master of Elphingstoun, treasurer, charging the said complainers to make payment of the said pain, and also to remove the said persons furth of the lands above written, and enter the said Johnne Cunynghame in the same within a certain time, under pain of rebellion; "lyke as the saidis complenaris ar informed thay have alreddie, at the leist intendis to caus, putt thame to the horne." Now (1) the said decree was given against complainers for non-appearance when they knew "nathing of the calling of that mater," in as much as "lang befoir the geving of the said decreit and thaireftir thay wer under commoning and trysting with the said Mark, Lord of Neubotle," who was principal party in the said affair, and wholly took the burden upon him for the Earl of Errole, Lord Levingstoun, and Cunynghame, without whose knowledge the said action had been pursued and decree obtained. The Lord Newbotle had never known thereof; but the said matter had been pursued, without advice of him or of the persons foresaid, by Alexander Cunynghame, as alleged procurator for them; and the said Cunynghame as yet is minor and knew nothing of the said action; "quhilk the saidis Lordis upoun thair honnour and conscience will not deny, bot grant the samyn to be of veritie in sa fer as the said commoning and trysting yit remanis and continewis ungevin up and dischargeit; within the quhilk tyme of the
ge 153. said commoning quhatsumevir decreit wes obtenit aganis the saidis complenaris, the samyn is manifest null and invalide of the law, as proceiding upoun plane circumventioum of thame, and without the consent of the saidis Lordis and by thair knawlege,—the said procuratour haveing na warrand nor command of thame for the persute of the said caus." (2) The ground of the said decree was the principal summondis, "quhilk consistit haillelie *in facto*, and specialie upoun this heid,"—that the said lands

of Sned were still violently possessed by the said James and Johnne Johnnestonis, and Robert Lowry, and that the said Johnne Cunynghame was troubled by them in the possession thereof divers years before the obtaining of the said decree; "quhilk substantiall heid and point of the saidis summondis wes nawayis provin, nor yit wes thair ony probatioun deduceit for preving thairof ather be write or witnes, bot the said decreit wes onlie gevin for not compeirance without ony probatioun, as the samyn will testifie. And, the said mater being sa wechtie and of the consequence of ten thowsand pundis, besydis the removeing of the personis forsaidis fra the saidis landis and possessing of the said Johnne Cunynghame thairintill, thair could na decreit [have] bene gevin thairanent bot upoun sufficient probatioun, finding and declairing that thai had contravenit and that the said caus of contraventioun wes sufficientlie provin, and ane simple certificatioun for non-compeirance could nawise condame the saidis complenaris in sua wechtie a mater without sufficient probatioun, quhilk wes not done." (3) The said matter being a cause of contravention, it ought to have been tried before the Justice or Lords of Session, the only judges competent thereto; "and, in sa fer as the said decreit is gevin be his Majestie and Counsall, the samyn is gevin *a non suo judice*, and without ony probatioun of a lybill, quhilk haillelie consistit *in facto*, and could not be provin bot be write or witnes," and so "*ope exceptionis*" is manifestly null. —All this notwithstanding, "the saidis complenaris hes fund cautioun for obtempering and fulfilling of the said decreit in cais it salbe fundin that thay aucht to do the same." Wherefore the said letters should be suspended simpliciter.—The complainers appearing by James Dowy, their procurator, and the said Johnne Cunynghame appearing personally, with Cornelius Tennent, his prolocutor, and the said Lord of Newbotle being also present, for himself and the other defenders, the Lords find the letters foresaid executed against Douglas and his cautioners "to be ordourlie proceidit," and therefore ordain the same to be put to execution in all points against the pursuers.

Acta 1598–1601.

Page 154.

Suspension of horning against George Kinnaird.

Complaint by George Kynnard of Eddertie, as follows:—Elspeth Gray, relict of Patrik Kynnaird of Inchestuir, and Williame Gray, now her spouse, alleging that the complainer molests them and their tenants, has obtained letters charging him to find caution in £2000 for their indemnity, under pain of horning. Now, complainer never troubled the said persons, and their only object is to get him to the horn, because they know that none will become cautioner for him under so great a pain; which is far above the sums usually granted against persons of his estate and rank. He has no lands or heritage, and is not worth altogether half the said sum. He has, however, found caution to the effect foresaid in £1000, and pleads that the said letters should therefore be suspended.—The complainer appearing personally, but neither of the defenders appearing, the Lords do suspend the letters.

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Sederunt—REX; Cancellarius; Flemyng; Levingstoun; Fyvie;

cta 1598–601.

Thesaurarius; Secretarius; Dunkeld; Kinlos; Collector; Computorum Rotulator; Advocatus; Clericus Registri; Custos Secreti Sigilli; Tracquair; Carmichaell; Spott; Clericus Justiciarie. Holyrood-house, 8th November.

age 156.

The persons having vote in the election of magistrates in the burgh of Drumfreis for the year having been charged by the King's letters to continue Robert M'Brair of Almegle in the office of provost of the said burgh, but having "contempnandlie dissobayit the said charge," his Majesty now, having considered their defence in this matter, ordains them "to elect and chuse" the said Robert to be their provost for the year to come, within 24 hours after the said charge, under pain of rebellion. Order to re-elect Robert M'Brair as provost of Dumfries.

"The Kingis Majestie and Lordis of his Secreit Counsall considering the lait contempt and indignitie done to his Hienes be the foure Sessionis of the burgh of Edinburgh, in taking upoun thame be ane publict act to contramand the warrand and libertie grantit be his Hienes to certane commedianis to play within the said burgh, and in ordaning thair ministeris publictlie to discharge thair flokis to repair to the saidis commedeis, thay haveing nawayis acquentit his Majestie of befoir with ony lawfull caus or ground moving thame thairunto, nor na utherwayis acknawlegeing his Hienes, as thay aucht and sould have done afoir thay had sa avowedlie opponit thameselffis to his Majesteis warrand and directioun foirsaid,—Thairfoir his Majestie and the saidis Lordis ordanis ane officiar of armes to pas to the mercat croce of Edinburgh and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge the haill personis of the saidis foure Sessionis, becaus thay ar ane multitude, to convene thameselffis in thair accustomat place of convening within thrie houris nixt eftir the said charge, and thair be ane speciall act to cas, annull, and discharge the uther act forsaid, and with that to gif ane speciall ordinance and directioun to thair haill ministeris that thay, eftir thair sermonis upoun the nixt Sonday, publischlie admonische thair awne flockis to reverence and obay his Majestie, and to declair to thame that thay will not restreane nor censure ony of thair flokis that sall repair to the saidis commedeis and playis, considering his Majestie is not of purpois or intentioun to awthorize, allow, or command onything quhilk is prophane or may cary ony offence or sclander with it; and to charge thame heirto, under the pane of rebellioun and putting of thame to the horne; and to charge the saidis ministeris that thay, eftir thair saidis sermonis, conforme thameselffis to the directioun and ordinance to be sett doun be the saidis Sessionis heiranent under the said pane of rebellioun, and, giff ony of the saidis personis dissobayis, to denounce the saidis dissobeyaris rebellis." Ordinance commanding the four Kirk Sessions of Edinburgh to rescind their Act condemning the performance of stage plays by the comedians now in Edinburgh to whom his Majesty has granted licence for such performances.

age 157.

"The Kingis Majestie and Lordis of Secreit Counsall and Chekker having consideratioun of the grite chargeis sustenit be Sir George Home of Wedderburne, knicht, lait comptroller and collector, in furnesing and sustening his Majesteis house in the yeiris of God fourscoir auchtene and fourscoir nynetene yeiris, in all that preceidit his removeing fra the saidis Act in favour of Sir George Home of Wedderburne, as the late comptroller.

officeis of comptrollarie and collectorie, and that he hes presentlie acceptit upoun him to satisfie the furniseris of his Majesteis house according to thair particuler comptis, and als to satisfie all feis accustomat to be payit be comptrollaris of lait addettit preceiding Mertymes nix to cum, extending in the haill to the soume of ; and his Majestie being of gude mynd that the said Sir George be satisfeit of the saidis debursmentis, as ressone requyris: Thairfoir his Majestie, with consent forsaid of the saidis Lordis of Secreit Counsall and Chekker, hes ordanit, for the said Sir George releiff of the forsaidis soumes, that the said Sir George, his airis and assignayis, sall have guid and sufficient richt and actioun to call and persew all and quhatsumevir intromettouris and utheris addettit in payment of the rentis of the saidis officeis for quhatsumevir rentis alswele of his Majesteis propirteis pertening to the said comptrollar as of the thridis of beneficeis and temporalitie pertening to the said collectorie, of all yeiris and termes preceiding the cropt following respective, viz., the propirtie of the cropt of Mertymes nixt in the yeir of God j^{m}v^{c} four scoir nynetene yeiris, and of the collectorie of the terme of Mertymes foure scoir auchtene, and intromet and uplift the same furth of all and quhatsumevir handis addettit in payment thairof, and that letters salbe direct at his instance as haveing the onely richt thairto upoun ane simple charge of ten dayis allanerly, exceptand allanerlie the kane foullis appertening to baith the saidis officeis of collectorie and comptrollarie. And, giff neid beis, his Majestie, with advise of his Hienes comptroller and collector, sall mak speciall assignatioun to the said Sir George of ony sic debtis as ar restand auchtand as he sall require, or gif in his supplicatioun thairof in particular, exceptand as said is. And, to that effect, his Majestie, with consent of the saidis comptrollar and collector, sall lowse and presentlie lowssis all letteris of inhibitioun directit at the instance of the Kingis Majestie and his advocat upoun ony of his rentis, proffitis or commoditeis of the said comptrollarie and collectorie, and all executioun thairof preceiding the said Feist of Mertymes, to the effect the said Sir George may intromet thairwith. And, giff thair be ony dispositioun maid be his Hienes comptrollar or collector sen the said Sir George wes dischargeit of his office of ony of his Majesteis rentis, ather of the comptrollarie or collectorie, the said officiaris, intromettouris thairwith, salbe comptable to the said Sir George of the same, and pay the same agane to him according to thair intromissioun and dispositioun and na utherwayis, the said Sir George being alwayis subject to mak compt and reckning of his intromissioun, allowand to him sic sowmes as he hes debursit justlie in his Majesteis service. And, giff the said Sir George obtene not payment of the saidis restis, at the leist of sa mekle as may extend to the sowme foirsaid debursit be the said Sir George, and the payment quhairof he hes takin upoun him, the Kingis Majestie, with advise forsaid, takis upoun him the payment to the said Sir George of quhatsumevir sowmes salbe restant awand to him in his fuited comptis, and quhairof he sall not obtene payment of the saidis soumes, and promeissis *in verbo principis* to mak him payment thairof, to the effect the

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said Sir George may be relevit of all danger and skaith quhilk he may sustene be his service forsaid in the saidis officeis. And, to the effect the said Sir George may be the better payit of the saidis restis, his Majestie, with advise forsaid, ordanis that thair sall not be suspensioun grantit upoun ony liquidat sowmes but consignatioun, and upoun sowmes not liquidat that cautioun sallbe fundin in Edinburgh, and that letteris of publicatioun for lowsing of the saidis inhibitionis, togidder with all uther letteris, sallbe writtin be the comptroller and collector writteris; and his Majesteis advocat sall insist in the persute thairof with the said Sir George, as accordis. And his Majestie *in verbo principis*, and the saidis Lordis of Chekker and Counsall, faithfullie promeissis to assist, fortifie, and mantene the said Sir George in recovering of the saidis dettis be all lawfull meanis, and to that effect sall not grant ony supersedere to ony persone of ony parte of the saidis dettis restand awchtand be thame to the said comptrollar and collector of ony yeiris preceiding the said Feist of Mertymes nix to cum. And his Majestie, with advise forsaid, ordanis that thir presentis nor na heid nor point of the samyn be prejudiciall to the particular band mutuallie sett doun betuix Sir David Murray of Gospertie, knicht, present comptroller, and the said Sir George, on the ane and uther partis, nor to na heid nor point of the samyn band, bot that the said band and executioun appointit to follow thairupoun stand and be effectuall to uther of the saidis pairteis as effeiris."

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Holyrood-house, 10th November. Act and proclamation in favour of the English comedians now playing in Edinburgh.

"Forsamekle as, the Kingis Majestie haveing grantit ane warrand and libertie to certane Inglische commedianis to play within the burgh of Edinburgh, yit, upoun some sinister and wrangous reporte maid to the foure Sessionis of the Kirk of Edinburgh be certane malicious and restles bodyis quha, upoun everie licht occasioun, misconstrowes his Majesteis haill doingis and misinterpreitis his Hienes gude intentionis quhatsumevir, the saidis foure Sessionis wer moved verie raschely and unadvisitlie to contramand be ane publict act his Majesteis said warrand, and thairwithall ordanit thair ministeris to publische the said contramand, and to threatine the censuris of the Kirk aganis the contravenaris thairof, unacquenting his Majestie of befeir with ony lawfull ground or caus moveing thame thairto; with the quhilk thair errour and oversicht thay being now bettir advisit, and haveing all convenit on this mater, and willing nawise to be contentious with his Majestie, bot in all reverence and humilitie to obay his Hienes as becumis gude and obedient subjectis, in respect of the pruif quhilk thay have evir had of his Majestie, that his Hienes hes not commandit nor allowit ony thing careying with it ony offence or sclander, thay, eftir the dew acknawlegeing of thair formar errour, rasche and unadvised proceidingis, have now be ane uther act cassit, annullit and dischargeit thair formar act forsaid, and hes ordanit the same to be ineffectuall heireftir, with the admonitionis gevin conforme thairto be the ministeris to thair floikis in maner forsaid, sua that now not onely may the saidis commedianis friely injoy the benefite of his Majesteis libertie and warrand grantit to thame,

bot all his Majesteis subjectis, inhabitantis within the said burgh and utheris quhatsumevir, may friely at thair awne plesour repair to the saidis commedeis and playis without ony pane, skaith, censureing, reproche or sclander to be incurrit be thame thairthrow, or to be uncensureit or fund fault with be the ministeris, magistratis, or sessionis of the said burgh in onywise, nochtwithstanding the first act forsaid and admonitionis gevin conforme thairto, or ony utheris the lyke actis and admonitionis to be maid and gevin heireftir without his Majesteis consent and allowance. And ordanis officiaris of armes to pas to the mercat croce of Edinburgh and thair be oppin proclamatioun mak publicatioun heirof, quhairthrow nane pretend ignorance of the same."[1] Acta 1598-1601. Page 160.

Edinburgh, 13th November.

Sederunt—Cancellarius; Fyvie; Secretarius; Kinlos; Custos Secreti Sigilli; Advocatus; Clericus Registri; Elimosinarius. Sederunt, Fol. 13, b.

[No record of proceedings.]

Holyrood-house, 15th November.

Sederunt—Rex; Cancellarius; Angus; Levingstoun; Fyvie; Neubotle; Thesaurarius; Secretarius; Clericus Justiciarie; Kinlos; Acta p. 160.

[1] The business of the King's quarrel with the Edinburgh clergy, on the subject of the licence he had given for the performance of stage-plays by an English company of actors, is noted thus in the abstract of a letter, of date Nov. 12, from George Nicolson, English political agent in Edinburgh to the English minister Sir Robert Cecil (*Calendar of English State Papers relating to Scotland*, pp. 777–778):—"Performances of English players, Fletcher, Martin, and their company, by the King's permission: Enactment of the Town Sessions and preaching of the ministers against them: the bellows-blowers say that they are sent by England to sow dissension between the King and the Kirk. The King's Proclamation on the subject,"—*i.e.*, the Proclamation ordered on the 8th (*ante*, p. 39), a copy of which Nicolson encloses to Cecil.—The affair is mentioned by Spotswood in his *History* (p. 456), but with no particulars in addition to those that may be gathered from the present Minute of the Privy Council and the preceding Minute of the 8th. Calderwood, however (v. 765–767), gives further details. He says that it was after the comedians had acted several times before the King that they obtained from him their warrant to act in public, with a precept to the bailies of Edinburgh to provide them with a house for the purpose, and that, a house having been found in Blackfriars Wynd, trumpets and drums were sent through the town by the players to advertise their entertainments. He adds that some of the clergy, on being called before the King and Council, discussed the matter with the King, alleging Acts of Parliament against stage-plays, the danger of Sabbath-profanation 'from them, &c., and that Mr. Robert Bruce gave this other argument, "We heard that the comedians in their playes checked your royall person with secreit and indirect taunts and checkes; and there is not a man of honour in England would give suche fellowes so muche as their countenance." Calderwood proceeds to say that, though the clergy did yield, it was reluctantly, and that Bruce in particular relieved his conscience by some reference to the subject in the pulpit. Tytler, in noticing the affair (*sub anno* 1599), observes that Fletcher was an old favourite of King James, having visited Scotland before, in 1594, and then received such attentions from James as to have been in some trouble on that account after his return to England. The ease with which James now quashed the clerical opposition to the English players and compelled the Kirk-sessions to rescind their act threatening censure on all who should attend the performances, is a striking proof of the new attitude he had assumed towards the clergy.—An interesting question of literary history is whether Shakespeare may not possibly have been one of the English comedians to whom King James so strenuously gave his countenance on this occasion. Could it be proved that Shakespeare belonged in 1599 to the London theatrical company of which Fletcher and Martin were members, there might be a good deal of probability in the conjecture, but hardly otherwise.

Acta 1598-1601.

Collector; Computorum Rotulator; Custos Secreti Sigilli; Advocatus; Clericus Registri; Tracquair; Cesfurde; Carmichaell; Spott; Murdocairny; Elimosinarius. Holyrood-house, 15th November.

To denounce William and Mungo Hamilton, for not appearing to a charge of violence and assault.

Complaint of Mr. Thomas Hammiltoun of Drumcairne, advocate, as follows:—Upon October last Williame Hammiltoun of Pardovane, Mungo Hammiltoun, his brother, with others to the number of ten persons, all armed with hagbuts and pistolets, came to his lands of Humbie, lying within the shire of Linlithqw, where James Barroun, one of his tenants, "wes gangand at his pleuch," and there with many threats forced him to "lowse his pleuch and leve the labouring of the saidis landis, avowing and sweiring, gif evir he streikit ane pleuch thairin thairefter, that they sould hoche his oxin and have his awne lyffe." Again, upon 31st October, the said persons came to the complainer's lands, and, finding Thomas Lystoun, his tenant, "ane waik ageit man," going at "his awne pleuch," shamefully "invadit him for his slauchter," compelling him to swear never to labour the said lands again. Farther, upon 8th instant, they came to his lands foresaid, and, finding Johnne Bell, another of his tenants, ploughing, pursued the said Bell, and wounded him in the head, to the hazard of his life.—The pursuer appearing personally, the defenders, for not appearing, are to be denounced rebels.

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Holyrood-house, 16th November.

Proclamation against buying goods from a certain ship of Dunkirk, subject to the King of Spain, that has come into Leith.

A ship of Dunkirk having lately, "be contrarious windis," been "drevin upoun this coist," the Captain and crew, as subjects of the King of Spayne, had "craved of his Majestie that, in regaird of the freindschip and amitie standing betuix his Hienes and the said King of Spayne, thair maister, and the mutuall gude officeis of courtesie, favour and trafficque interteneyit betwix the subjectis of baith the realmis, thay micht have his Majesties leave to repair within the harborie of Leyth, for thair refrescheing with vivers and utherwayis; quhilk sute being answerable to the mutuall pointis of dewtie quhilk sould be interteneyit amangis nichtbour princeis quha ar freindis and confederattis, his Majestie could not justlie deny." But now, "his Majestie being enformed that the saidis Dunkirkaris ar furnist with ane grit quantitie of Inglis wairis and mercheandice, reft and tane be thame fra certane subjectis of his Majesteis darrest suster, the Quene of England,—quhilkis guidis albeit his Majestie may not lawfullie stay and arreist, in respect the same wer tane outwith his Majesteis watteris,"—therefore his Majesty, "haveing a speciall cair to use his darrest suster and hir gude subjectis with all gude officeis of freindschip and to omitt nathing quhilk lawfullie may be done to thair contentment, bot to use thame als favourablie in all respectis as gif thai wer his Hienes awne borne subjectis," discharges all his subjects from buying any of the goods in the said ship, under pain of confiscation of the same, and other punishment. Publication hereof to be made by open proclamation at the market cross of Edinburgh.

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Holyrood-house, 19th November.[1]

Sederunt—REX; Cancellarius; Angus; Levingstoun; Fyvie; Kinlos; Thesaurarius; Collector; Clericus Registri; Computorum Rotulator; Tracquair; Cesfurde; Carmichaell; Spott; Elimosinarius. Acta 1598-1601.

Charge to the Maxwells and the Crichtons to subscribe mutual assurances.

Order to Johnne, Lord Maxuell, Williame, Lord Hereis, Patrik Maxuell of Newwerk, David Maxuell, his brother, Johnne and Alexander Maxuellis, also his brothers, Archibald Maxwell of Cowhill, Williame and Archibald Maxuellis, his sons, Maxuell of Tynwall, Williame, Eduard, Johnne, and Harbert, his sons, Johnne Maxuell of Kirkconnell, Alexander Maxuell of Inglistoun, Harbert Maxuell of Cavenis, Robert Maxuell of Dynwiddie, Eduard Maxuell of the Ile, James Maxuell of Portrak, Eduard Maxuell, his brother, Robert Maxuell of Fourmerkland, and Homer Maxuell, commissary of Drumfreis, on the one side, and Johnne Creychtoun of Crawfurdstoun, James Creychtoun, his son and apparent heir, Williame Creychtoun in Auchintagart, James Creychtoun in Tounheid, Johnne Edzer of Inglistoun, and Williame M°Gowne in the Maynes of Crawfurde, on the other side, "to subscryve and delyver, ather of thame to utheris," within six days after being charged, on pain of rebellion, "sic forme of assuirance as salbe presentit unto thame merket be the Clerk of Counsall," the same to endure till 1st January 1600.

Act for the redress of complaints within the West Borders.

The King and Council, "willing that the bipast stouthis and reiffis of the disordourit and brokin men of the West Bordouris sen Williame, Erll of Angus, first acceptit the office of lieutennandrie be not past ouer and ouersene, bot that redres be ressavit and gottin and justice ministrat as accordis," ordain the said Lieutenant to hold as soon as convenient a justice court at the castle of Douglas, for the trial of all complaints that are questionable and require probation. But, as many of the bills and complaints are undeniable and require no probation, Lords Maxuell, Hereis, Sanquhair, and the Lairds of Drumlangrig and Johnnestoun, are ordered to give in the same to the Lieutenant upon 20th instant, to the Page 163.

[1] From the 17th to the 19th of November there had been sitting at Holyroodhouse that conference of the leading clergy which had been summoned by missives from the King, in view of the coming General Assembly of the Kirk, to discuss with him, in an informal and preliminary way, the grave questions of ecclesiastical polity that were to come before that Assembly. James Melville, who was present in the conference and took notes of the proceedings, has inserted a summary account of them in his Diary (pp. 446–462); Calderwood has transcribed Melville's account substantially (v. 746–761); and a clear abstract of the proceedings will be found in M'Crie's Life of Andrew Melville (ii. 50–57 of edit. of 1824). The questions mainly discussed were (1) whether it is consistent with the nature of the ministerial office that ministers should undertake offices of civil authority and jurisdiction, (2) whether, if there should be prelates or Parliamentary clergy, they should hold their places *ad vitam aut culpam* or should be annually elected, and (3) whether such clergy should have the name of bishops or some other name. The most resolute defender of the strict Presbyterian theory on all these points was Andrew Melville; the King himself took a leading part, and managed the debate on the other side. On the whole, though there was a disposition to acquiesce with the King as much as possible, the result was far from satisfactory to him; and, when he dismissed the conference, it was with an expression to that effect, and an intimation that he hoped the coming General Assembly would be more tractable.

Acta 1598–1601.

effect they may be redressed; "quhilk redres for the billis and complaintis undenyable his Majestie appointis and ordanis to be maid betwix and the day of the courte," while for the "uther billis questionabill, craveing tryale and probatioun," redress is to be made by 31st January next. For the better assurance of the said redress, parties are ordained to find cautioners or else to enter pledges; and, farther, for the future it is ordained that, when any bills are sworn and filed, two or three of the principal offenders contained in the bill shall be entered for payment of the bill at the days to be appointed to that effect, and that, failing such redress and payment, the persons so entered shall be executed.

Act for making landlords and chiettains of clans answerable for the conduct of their men.

"The Kingis Majestie and Lordis of Secreit Counsall, considdering that the ressaving of plegeis fra the disordourit and brokin clannis of the Hielandis and Bordouris, as hes bene accustomat and used in tyme bigane, hes produceit litle gude effect or quietnes in the cuntrey, in respect the landislord or chiftane of the clann and the haill brokin men of the clann and branche for quhome the plege wes entirit, takand na regaird of the said plege, and thinking that na forder could be craved of thame, still continewit in stouth, reif, and oppressioun, and the plegeis thameselflis verie oft brak away and eschaiped fra thair keiparis, sua that his Hienes gude subjectis sustening losse and skaith hes bene in a grite uncertantie in quhat forme and maner to cum be redres, and his Hienes and his Counsall hes bene daylie troublit and fascheit with their complaintis, and with the ressaveing, interchangeing and placeing of the saidis plegeis. For remeid quhairof, and for the better suirtie and assuirance of redres to his Hienes gude subjects in tyme cuming, it is statute and ordanit that his Majestie and his Counsall, and the complenaris quhatsumevir sustening skaith, sall heireftir tak thame to the landislordis and chiftanis of the clan for the haill stouthis, reiffis, and enormiteis of thair clan, and sic utheris as thay ar answerabill for, remitting thame to seik thair releiff as thay may best have it be plegeing or utherwise; quhilkis landislordis, cheiffis, and chiftanis of clan salbe haldin be this present Act to redres his Majesteis gude subjectis be the entrie of the personis of the offendaris to be punist according to justice, and, failyeing thairof, be redres and payment of thair billis, and be removing and halding of the offendaris af thair ground, conforme to the Actis of Parliament and Generall Band. And, seing the ressett quhilk thevis and lymmaris hes gottin, alswele amang thair awne clan as amangis utheris, hes gevin thame the gritter bauldnes and encowragement to continew in evill doing, it is lykwise statute and ordanit that the ressettaris quhatsumevir of the saidis thevis and fugitives, and of the geir reft and stollin be thame, salbe ansuerable and comptable for the said ressett eftir tryall thairof in sic forme and maner as the landislord and chiftane is haldin to mak redres to pairteis skaithit in maner forsaid, and that the complenar, or the landislord and chiftane, in cais he redres the complenar, sall for his relieff have siclyke actioun criminale and civile aganis the said ressettar as micht or may be had aganis the saidis landislordis and chiftanis for redres, or aganis the principall theif and revar; and thairfoir that the

Page 164.

haill landislordis and chiftanis of clannis within this realme, alswele within Hielandis as Bordouris, salbe instantlie straited and chargeit be letteris of horning to find sufficient and responsall cautioun and souertie, landitmen in the in-cuntrey, to the contentment of his Hienes and his Counsall alswele for redres of his Hienes gude subjectis in maner forsaid, conforme to the said Act of Parliament; as alsua that thay nor nane of thair clan nor na utheris quhome thay ar answerable for as said is, sall not ressett within thair boundis ony avowit thevis or fugitives, nor the guidis and geir reft and stollin fra his Hienes gude subjectis, under the pane to be answerable for the said resett in sic forme and maner as thay ar haldin to mak the said redres, and to be subject to the lyke actioun criminale and civile for the said ressett as for making of the said redres in maner forsaid. And, becaus thair ar some landislordis and chiftanis quha can not gett inlandis cautioun for redres, conforme to the said Act of Parliament, that thairfoir suir bandis be tane of thameselffis, binding and oblissing thame, thair landis, heretageis, houssis, guidis, and geir, to mak the said redres in maner forsaid, and that thay find inlandis cautioun for thair awne personall compeirance befoir his Majestie and his Counsall as thay salbe chargeit upoun sex dayis warning, and answer to the particular complaintis gevin in aganis thame, under sic sowmes as salbe modifeit." Acta 1598-1601. Page 165.

Holyrood-house, 20th November.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Levingstoun; Fyvie; Thesaurarius; Secretarius; Kinlos; Murdocairny; Collector; Clericus Justiciarie; Advocatus; Custos Secreti Sigilli; Computorum Rotulator; Cesfurde; Tracquair; Carmichaell; Spott; Elimosinarius. Sederunts, Fol. 14, a.

Act requiring certain chiefs in the West Border to submit their feuds.

"The Kingis Majestie and Lordis of Secreit Counsall understanding perfytlie that the cheiff and onlie caus of the grite misreule and unquietnes of the West Bordour, quhairwith his Majestie and the haill cuntrey hes bene sua troubled and fascheit thir divers yeiris bigane, hes bene the deidlie feidis and querrellis standing betwix the principall noblemen and barronis within the said Bordour, and seing the said Bordour can not be quieted and setled under his Hienes obedience, nor the misreule and insolence of the disordourit inhabitantis thairof restreanit, unles the saidis feidis be removeit and takin away, thairfoir his Majestie and Counsall hes thocht meit, necesser, and expedient, that the Lordis Sanquhair, Hereis, and Laird of Drumlangrig, on the ane parte, and the Laird of Johnnestoun on the uthir parte, salbe moved, straited, and compellit to submit thair present feidis, and to nominat the personis quhometo thay will submitt, and his Majestie to be ourisman in the said submissioun." Acta, p. 165.

Act anent the pledges for the Armstrongs.

Ordained that the pledges for the Armistrangis at present in the hands of Williame, Earl of Angus, lieutenant, and such others as are under band to the said lieutenant, be still kept, till order be taken with Johnne, Lord Maxuell, "anent the obedience to be maid be him for sic as he is answerable for."

Acta 1598–1601. Page 166.

Robert, Lord Creychtoun of Sanquhair, having been commanded to attend upon his Majesty and Council till "ane full and perfyte ordour had bene tane with the effearis of the Bordouris quhilkis ar presentlie in handis," and having contemptuously departed, so that he cannot be apprehended, there is an order to charge him by open proclamation at the market cross of Edinburgh to appear upon instant to answer for his said "contempt." Holyrood-house, 21st November. Charge to Lord Crichton of Sanquhar.

Sederunt—Rex; Cancellarius; Angus; Levingstoun; Fyvie; Thesaurarius; Secretarius; Kinlos; Murdocairny; Collector; Clericus Justiciarie; Advocatus; Computorum Rotulator; Custos Secreti Sigilli; Cesfurde; Tracquair; Carmichaell; Spott; Elimosinarius.[1] Holyrood-house, 22nd November.

Action at the instance of Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, advocate, as follows:—Upon 20th August last, Johnne Levingstoun of Donypace became surety for Richard Batiesoun, son of Johnne Batiesoun of Davingtoun, that he should enter the said Richard again in ward in the tolbooth of Edinburgh (furth of which he had relieved him) by 20th September last, under pain of £2000. He has not, however, yet entered him, as has been confessed by James Nesbit, jailer of the said tolbooth. Wherefore he has contravened the said act of caution, and should be decerned to pay the said penalty.—The pursuers appearing personally, and Mr. Thomas Rollok appearing for the defender, and the latter having produced a warrant, subscribed by his Majesty and his Privy Council, dispensing with the entry of the said Richard upon the day foresaid, the defender is assoilzied from the petition of the said letters, and decerned to be quit thereof simpliciter in time coming. The Treasurer against Livingstone of Donypace.

Page 167.

Robert Baillie in Miltoun appears as procurator for Robert Mayne in Miltoun of Provand, and gives in a copy of the letters raised by Johnne Baillie, citizen of Glasgu, charging Mayne to appear and produce the letters raised at his instance whereby Johnne Baillie had been charged to pay to Mayne £20 "as for the bluidwet for the hurting and wounding of the said Robert Mayne," in order to the suspension of the same.—The said Johnne Baillie not appearing, and the said Robert Baillie protesting that the letters foresaid against the said Johnne shall be put to farther execution, the Lords admit the protest and ordain accordingly. Protest in favour of Robert Mayne.

Page 168.

Complaint by the officers and furnishers of his Majesty's house, as follows:—David Seytoun of Parbroth, sometime comptroller, having been pursued for payment to them of £11,053, had appeared before the Privy Council by his son and procurator, and alleged that he had received a supersedere for £8000, as part of the said sum; whereupon the said complainers had passed from all further pursuit of him for the said £8000, and accepted his Majesty's offer of payment,—on which account the King New decreet in the action of the officers of his Majesty's household against Seton of Parbroth, ex-comptroller.

[1] In the corresponding list of Councillors engrossed in the Book of Sederunts the Earl of Angus and the Laird of Murdocairny are not entered as present.

and Council had "dischargeit the said supersedere" and ordained complainers to "call and persew" the said David for the balance of the said sum, extending to £3053 (*ante* p. 26). It is now complained that the said David "driftis and delayis" to make payment of the said balance.—Johnne Robiesoun, flesher, Johnne Seytoun, coalman, Andro Quhyte, and Williame Lyell, fishman, appearing for themselves and for the other pursuers, and having produced an account subscribed by Mr. George Young and Johnne Fentoun, whereby these two persons found, by the book of expenses of the King's household, that there was advanced by the said pursuers in the time of the said David's comptrollery the said sum of £11,053 ("quhairof quhidder or not the said David had tane allowance thay remitted to his awne comptis") and the defender appearing by David Kynnynmonth of that Ilk as his procurator, the King and Council, finding nothing produced by the pursuers "quhairby the said David may be maid dettour to thame in the sowme abonewrittin," ordain them therefore "to extract the particularis of that quhilk the said David is addettit to thame be his allowed and fuited comptis under the subscriptioun of the Clerk of Register," and declare that "quhairin he salbe fundin addettit to thame, by and attour the soume of aucht thousand pundis quhilk thay have dischargeit him and tane thame to his Majesteis payment, thay sall have executioun aganis him." Acta 1598–1601.

Charge to James and George Pringle.

Charge to be given to James Hoppringle of Gallowscheillis and George Hoppringle of Blindley to appear before the Council upon 29th instant, prepared to submit the feud between them to "ane amicable and freindly arbitriment of freindis" to be nominated by them the said day.

Decree against Ross of Balnagown and his cautioners.

Action at the instance of Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, advocate, as follows:—Upon 10th July 1595, George Ros of Balnagowne, as principal, and Thomas Ros and Johnne Lowry, merchants, burgesses of Edinburgh, as sureties for him, had became bound that the said George and all for whom he was answerable should keep the peace, be answerable to justice, and redress complainers, under the pain of 10,000 merks. Now, upon the fourth day of 1598, Williame Ros of Easter Gany, Thomas Ros in Skyell, Alexander Vaus in Rotheis, Johnne Vaus in the Drum of Ferne, Andro Douglas in Ferne, Donald Ros of Middlegaich, Williame Innes there, Williame Ros, burgess of Tayne, Alexander Hay there, Williame Corbett there, Alexander Tailliour there, Johnne Reid Anderson there, Donald Tailliour there, Ewer Wrycht there, Williame M°Culloch there, Kennoch M°Kennoch *alias* M°Clewis in Mekle, Thomas M°William M°Thomas in Catboill, Johnne Calder there, Johnne M°Intray there, Johnne Patersoun there, Johnne M°Eane M°William there, Johnne Ros of Muldarg, William M°Culloch in Corriedow, Johnne Dynnone, portioner of Little Rany, David Dynnone, his son, Johnne Urquhart there, Alexander Cluneis of Culbene, and Alexander Mansoun in Glastullich, all of them the said Laird of Balnagowne's men and tenants, had been put to the horn at the instance of Abrahame Dewar, burgess of Birrame, for not restoring to him certain goods spuilyied by them Page 170.

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from him, or else the prices thereof, and said rebels remain still at the horn; in respect whereof Balnagowne, as their master and landlord, and his cautioners, ought to make them answerable to justice by entering them

ge 171. before his Majesty.—The pursuer appearing personally, the principal defender and his cautioners, for neither appearing nor having entered the said rebels as charged, are decerned to have incurred the said pain, and letters are to be directed against them for the payment of the same.

To denounce Patrick Fleming for not appearing to a charge of tortaring and robbing John Freir.

Complaint by Johnne Freir, indweller of Edinburgh, as follows:— Upon 11th October last, while peaceably transacting affairs at the House of the Mure, Patrik Flemying there apprehended him, "and, without ony offens or fault committit be him, patt him to tortour in ane instrument nameit the caschielawis, and held him thairin the space of twa houris, drawing his body, nek, armes, and feit togidder within the boundis of ane span, straik wadgeis betuix his schailbanes quhill the blude birsit oute,"

ge 172. and reft from him his purse, containing £6, 6s. 8d., together with his sword and bonnet, "and in sic ane barbarous and cruell maner sua tortourit him as the lyke hes not bene hard of."—The complainer appearing personally, but the said Patrik failing to appear, the order is to denounce him rebel, and also to charge Hary Stewart of Cragiehall, sheriff depute of Edinburgh, as master and landlord of the said Patrick, to enter him before the King and Council, under pain of rebellion.

Proclamation against Lord Sanquhar for breaking an assurance of indemnity.

His Majesty having lately, at the desire of Robert, Lord Creychtoun of Sanquhair, written to the Laird of Bathyok, and to Mr Williame Rynd, parson and minister at Kynnoull, to come to his Highness "for sum questioun and contraversie standing betuix the said Lord and tham anent the teyndis of the Kirk of Kinnoull, and that upoun promeis and assuirance maid be the said Lord for thair indempnitie in thair cuming, remaning and departing," the said Lord nevertheless, "forgetfull of that reverent regaird and dewtie quhilk he aucht to his Majestie, and haveing schaikin af all feir of justice, reverence of the law, and respect to his awne honnour, hes, maist unhonnestlie, undewtifullie and schamefullie, undir traist and assuirance, accumpaneid with divers his compliceis, lyne at await for the saidis personis in thair hame-passing, and barbarousiie and violentlie hes apprehendit and tane thame, and careyed thame as captives and pressoneris quhair he pleissis." As this "barbarous contempt and indignitie" has touched his Majesty "maist heichlie in honnour, and

ge 173. careyis with it sa foule a sclander to the haill cuntrey," his Highness "hes avowed the dew revenge and punischement thairof with all rigour in sic sorte as, be the example thairof, all utheris undewtifull and unthankfull subjectis salbe terrifeit to committ the lyke heireftir." Accordingly, there is order to publish his Majesty's intention "to punische the foule and unworthie attempt forsaid," and to command all within whose bounds the said Lord, with his captives abovewritten, shall repair, to apprehend them, set at liberty the prisoners, and present the said Lord and his accomplices before the King and Council, with certification that those by whose means the said prisoners shall be freed shall be honourably rewarded, and that

those who do not assist in appprehending the said Lord shall be held as equally guilty with himself. Acta 1598-1601.

To denounce George and John Hamilton for not producing a rebel.

Complaint by Robert Maxwell, servitor to Thomas Young, writer to the signet, as follows:—Upon 28th August last Johnne Hammiltoun in Woltoun and David Maxuell in Lyandcroce had been put to the horn at complainer's instance for not paying him 100 merks, and ten merks for the yearly interest thereof, together with £10 for expenses of plea and 40s. of consigned silver. The said persons remain at the horn as yet unrelaxed, and the said Johnne Hammiltoun dwells upon the lands of George Hammiltoun of Fingaltoun, and Johnne Hammiltoun, his son, who ought therefore to be answerable for them.—The pursuer appearing personally, the last named defenders, having failed to appear or to produce the said Johnne Hammiltoun, are to be denounced rebels. Page 174.

Decree against MacLeod of Dunvegan for not keeping his band.

Representation by Alexander, Master of Elphingstoun, treasurer, as follows:—Upon 21st March 1596 Rory M°Cleude of Dunvegane became bound in 10,000 merks to acknowledge his Highness as his only sovereign, and to obey his Majesty and his lieutenant in all things tending to the "repressing of the insolence of the dissobedient personis of the Illis," as also that Donald M°Cleude, son of Johnne M°Cleude of Roak, his near kinsman, whom he appointed to remain in Edinburgh as pledge for him till his own returning and entry before the King and Council upon 30th November thereafter, should remain there till that date (*see* vol. v. p. 677-8). Yet, not only had the said Donald departed before 1st November, but the said Rory had not appeared upon the said day or since. He has, therefore, plainly contravened his said band, and thereby incurred the said pain.—The pursuer appearing personally, but Rory not appearing, the Lords decern as prayed, and ordain letters to issue against Rory. Page 175. Page 176.

The Earls of Morton and Buchan, as sheriffs of Banffshire, against Walter Currour and his son.

James Lawtie appears as procurator for Williame, Earl of Mortoun, sheriff wardatar of Banff, and James, Earl of Buchane, sheriff principal of the said shire, and gives in a copy of the letters raised by Walter Currour of Inchedrour, and George Currour, his son and apparent heir, charging the said sheriffs to appear to hear the said Walter and his son exempted from the jurisdiction of the said sheriffs and their deputes in all actions criminal and civil. And now, the said Walter and his son not appearing, the said procurator protests that the said sheriffs may administer justice in all causes concerning them till the said letters are produced. The King and Council, finding that the action of exemption can be properly tried only by the Lords of Council and Session, remit the matter to them. Page 177.

Proclamation for revealing the place where Lord Sanquhar is resetted in Edinburgh.

Robert, Lord Creychtoun of Sanquhair, having incurred the pain of treason for illegally apprehending the Laird of Bathyok and Mr Williame Rynd (*ante* p. 49), "he and the ressettaris, huirdaris, and interteneyaris of him ar under the danger of maist rigorous and seveir punischement." Yet he and his two prisoners are at present in this burgh, resetted as if no such "foule and unworthie attempt" had been committed. Now, although his Majesty has thus good cause to pursue with rigour the said resetters, yet, "understanding that simplie and ignorantlie thay have bene

ta 1598-01. brocht upoun the said ressett," he has thought meet to signify that, if they give information "quhairthrow the said Lord and his unlawfull pressoneris may be apprehendit," they shall not only be pardoned but rewarded.

lerunts, l. 14, a. *Sederunt*—PRESENTE REGE—Cancellarius; Fyvie; Secretarius; Kinlos; Neubottle; Collector; Advocatus; Murdocairny; Computorum Rotulator; Cesfurde; Spott; Carmichaell; Elimosinarius. Holyrood-house, 27th November.

:a, p. 177. Robert, Lord Creychtoun of Sanquhair, having failed to attend this day as charged "quhill ane full and perfyte ordour had bene tane with the effearis of the Bordouris quhilkis ar presentlie in handis," is to be denounced rebel. To denounce the Lord Sanquhar.

ge 178.

Sederunt—REX; Cancellarius; Cassillis; Fyvie; Newbotle; Thesaurarius; Secretarius; Dunkeld; Kinlos; Murdocairny; Collector; Computorum Rotulator; Advocatus; Custos Secreti Sigilli; Clericus Justiciarie; Clericus Registri; Cesfurde; Carmichaell; Elimosinarius. Holyrood-house, 29th November.

Complaint by Andro Meldrum of Rothiebirsbane, as follows:—George Meldrum, apparent of Drumbrek, his brother, "haveing schaikin af that naturall regaird and dewitie quhilk he aucht to him, and being unmyndfull and unthankfull of the monyfauld plesuris fra tyme to tyme done be the said Andro to him," has, "fra tyme to tyme, be all indirect and unlawfull meanis, huntit for his lyffe and destructioun, and, the bettir to cum to his intent, and to cullour and cloik his unnaturall proceidingis aganis the said complenar be a pretence of law and of his Hienes authoritie, hes, upoun sum auld horning used agains the said complenar, quhairfra he wes lawfullie and ordourlie relaxt ane lang tyme bigane, purchest tua commissionis frome his Majestie to himselff and to Patrik Scheill, Alexander Meldrum, Robert Gordoun, and utheris, for the sercheing, seiking, and apprehensioun of the said complenar, and, in cais of his eschaiping to houssis and strenthis, to persew and assege the same, as [in] the said commissioun, contening a dispensatioun with quhatsumevir slauchter sal happin to fall oute in the executioun thairof, at lenth is contenit. For the executioun quharof, the said George conduceit and hyreit certane souldiouris and utheris within the burgh of Edinburgh, and brocht thame aboute be sey to the north cuntrey, quhair haveing landit thame, thay, upoun the secund day of September last, undir cloude and silence of nicht, about ane eftir midnicht, come to the Miltoun of Drumbrek, quhair the said complenar wes in peceabill and quiet maner for the tyme, lyand in his bed takand the nichtis rest, lippyning for na harme nor injurie of ony personis, and thair with ane dowble muscatt schoit up the loik of his chalmer dur; and, entering thairin, thay nevir preist to tak the said complenar, bot, or evir he wes wer of thame or throuchlie Andrew Meldrum against his brother, George Meldrum, for persecution and attempted murder.

e 179.

walkynnit, thay gaif him nyne deidlie woundis, quhairwith thay thocht he had bene deid. And his said brother, the forder to utter his bestlie crueltie towardis him, and to satisfie and fill his eyis with the sicht of his woundis, kaist him naiked upoun the fluir and turnit him thrie or foure tymes ouer, and, finding na appeirence of lyffe in him, he left forder strykeing of him; utherwise he had not faillit then instantlie to have slane him giff he had persavit ony appeirance of lyffe: and swa thay careyed him as ane deid persone with thame to the place of Drumbrek, and fra that to divers partis and placeis in the Hielandis; and, in end, persaving that the said complenar wes liklie to convalesce, thay wer resolved and concluidit to have murdrist him, and had not faillit sua to have done, wer not the said complenar, getting sum knawlege of thair conspiracie, be the providence of God eschaiped and convoyed himselff away, and sua fred himselff of that danger. And now, finding themselffis disapointit, thay schoir and avowis to await ane bettir occasioun to cum to thair intent, still cullouring thair doingis be the said commissioun, abuseing thairby his Majesteis name and authoritie as a warrand to thame to committ foule and unworthie murthouris; quhilkis commissionis hes ben inconsideratlie grantit aganis the said complenar, quha is a peceabill and frie subject, nawayis rebell nor fugitive, bot obedient and answerable to the lawis, making his speciall residence and remaning within the burgh of Edinburgh, attending and awaiting upoun the Sessioun. And, albeit be the saidis commissionis thay ar appointit to serche, seik, and tak the said complenar, yit thair is na sic intentioun in thame, bot at the first occassioun to slay and murdour him, as be the progres of thair formar proceidingis is alreddie manifest, and to lay the haill blame of his murdour upoun his Majestie. In respect quhairof the saidis commissionis aucht and sould be suspendit and dischargeit simpliciter."—The pursuer appearing personally, but the defender failing to appear, the Lords do suspend the said commissions till the same be produced and the complainer warned thereof. Acta 1598–1601. Page 180.

To denounce George Meldrum and his accomplices in the same matter.

Complaint by the same against the same, with repetition of the former narrative, and these additions:—The persons "conduceit and hyrit" to slay complainer were Williame Hammiltoun, Robert Gordoun, Patrik Scheill, Johnne Fraser, Robert Jarden, William Strauchane, Archibald Douglas, messenger, Alexander Meldrum, Thomas Cumyng, and certain others. They had carried complainer with them from the Miltoun of Drumbrek "as ane deid persoun to the place of Drumbrek, quhair he wes keipit and maist miserablie intreatit and handlit the space of fyve oulkis, nane of his freindis nor weilwillaris being sufferit to have acces unto him. Within the quhilk space the said complenaris woundis becomeing to be sumquhat cloisit, and then the said George and his compliceis persaving that he wes lyke to convalesce, repenting thameselffis that they had not slane him at the first tyme, and still continewing in thair bludie resolutioun to have his lyffe, thay brocht him furth of the said place, and careyit him to the Hielandis, quhair thay forceit and compellit him to travell in the nycht nyne nichtis togidder, thinking be that Page 181.

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meanis that his woundis sould have oppynit; and he wes sua ouersett with travell that he wes not able ony langer to induir; and then, thinking that he sould have deit, thay brocht him to the place of , pertening to Cumyng of Ernesyde, quha tuke him in his house, and, according to the directioun of the said George, committit him to prisone within the said place, useng him maist churlischlie and unhumanelie, and detenit him in strait warde the space of fourtene dayis." At last the complainer, learning that his murder had been devised and was shortly to be executed, had, by God's providence, made his escape.—Charge had been given to the said George Meldrum and his hired accomplices above-written to answer this day to the said complaint, under pain of rebellion; and now, the complainer appearing personally, but none of the defenders appearing, the order is to denounce them rebels.

ge 182.

"The Kingis Majestie and Lordis of Secreit Counsall, remembering how that thair hes bene divers treasonable and unworthie practizeis and conspiraceis divisit and intendit be sindrie of his unnatturall and disloyall subjecis, alswele aganis his Hienes awne persone as aganis sindrie of his nobilitie, faithfull counsallouris, officiaris of estate, and gude subjectis, the awthouris quhairof, making speciall chois of the burgh of Edinburgh and the Cannogait as placeis maist meit and convenient to thame to lurk and ly in for prosequutioun of thair saidis conspiraceis, in respect of the unlawfull ressett quhilk thay find in the same, thay secreitlie convoy thameselffis to the said Burgh, quhair thay ar secreitlie ressett, huirdit, keipit, and interteneyit, and awaitis the occasioun and commoditie to accomplische and execute thair detestable practizeis and treasonis, quhairthrow mony perrellous and dangerous effectis hes verie oft fallin oute, and of lait a maist foule and unworthie conspiracie, divisit and reddie to be execute aganis sum of his Hienes counsallouris and officeris of the estate, hes bene discoverit and tryit; be the quhilkis unlawfull ressett, sua frequentlie grantit to unavowable personis quha will not kyth thamselffis, bot keipis thameselffis dernit and hid in maner forsaid, encouragement and bauldnes is gevin to all maner of personis, alswele tratouris, rebellis, and malefactouris, as to Jesuittis, excommunicat papistis, and utheris, to resorte and hant within the said Burgh and toun of the Cannogait at thair plesure: quhairas, gif sic unlawfull ressett wer refuisit and denyit, or at the leist unavowable personis desirous to be quietlie keipit and huirdit, and will not kyth thameselffis publictlie and avowedlie as lawfull and gude subjectis aucht to do, wer schawne to the magistratis, to the effect knawlege micht be had of thair quiet and obscuir lurking, na sic practizeis and conspiraceis wald be divisit to be execute within the said Burgh nor na parte thairaboute, and a terrour wald be gevin to tratouris, rebellis, and malefactouris to resorte and repair thairunto:—Quhairfoir his Majestie and Lordis of Secreit Counsall ordanis letteris to be direct to officiaris of armes, shereffis in that parte, chargeing thame to pas to the mercat croceis of Edinburgh and the Cannogait, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command, charge, and inhibite all and

Proclamation against resetting and harbouring dangerous characters in Edinburgh and the Canongate: Mention of a plot against some of the Councillors.

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sindrie the inhabitantis within the same, that nane of thame presume nor tak upoun hand to ressett, ludge, or sett chalmeris at ony tyme heireftir to ony unlawfull and unavowable personis, quha ar desirous to be huirdit and quietlie keipit, and will not pulictlie and avowedlie schaw thameselffis and present thameselffis to kirk and mercatt, as becumis gude and lawfull subjectis, and, giff thay sal happin to ressett ony sic personis, that thay immediatlie cum and reveill the same to the magistratis, to the effect tryale may be gotten quhat thay ar, quhat adois thay have heir, and upoun quhat caus and occasioun thay crave to be quietlie ludgeit and huirdit: certifeing heirby all and sindrie personis quha sall ressett and huird ony of the saidis unlawfull personis contrair the tennour of this proclamatioun, that not onlie sall thay losse and tyn thair fredome and be perpetuallie baneist the toun, bot thay salbe utherwise punist in thair personis, to the terrour of utheris." Acta 1598–1601. Page 183.

John Lowry and Thomas Ross, as cautioners for Ross of Balnagown, against the Treasurer.

Supplication by Johnne Lowry and Thomas Ros, burgesses of Edinburgh, as follows:—As cautioners for George Ros of Balnagowne, they have been decerned, in respect of their making no defence, to have incurred the pain of 10,000 merks for their non-entry of certain rebels alleged to be the said George's tenants and servants (*ante* p. 48). Now, the reason of their not having appeared to make defence in that matter was that, though summoned to 15th November, they had not been called till 22nd following, and so, thinking that all diets before the Privy Council were peremptory, they "sleuthfullie and negligentlie forget." If they had understood that any proceeding against them would have been taken before their being again warned, they would have appeared and shown that the said persons, whom they were charged to enter, were not the Laird of Balnagowne's men. Further, this cause being civil, no good action can be moved thereupon against the complainers, "becaus the nature of cautionis fund conforme to the generall band is onlie for redres of maisterfull stouthis and reiffis committit be the brokin and disordourit men of the Hielandis and Bordouris aganis the peceable and gude subjectis of the incuntrey, and not for everie civile caus." They therefore humbly desire that they may be yet heard in the said matter.—The King and Council, with advice of Alexander, Master of Elphingstoun, treasurer, rescind the said decree, and assign 10th January next to the said treasurer and Mr. Thomas Hammiltoun of Drumcairne, advocate, for proving that Williame Ros of Easter Gany and his colleagues foresaid (*ante* p. 48) are the Laird of Balnagowne's men, and such persons as he is obliged to answer for by the general band, and therefore ordain letters to be directed to summon such witnesses as the treasurer and advocate will use in the matter to appear the said day, under pain of rebellion, and also to charge the said Laird to appear on the said day to hear the witnesses depone in the case, "or utherwise, gif the saidis thesaurare and advocat sall think meit and expedient, to refer the said mater to the said George aith of veritie," with certification that, if he fail to appear, the point shall be held as proved. Page 184.

ta 1598-
01.
ge 185.

The English pledges underwritten, viz., George Wanles and Thomas Coxon of Reidisdale, Raulf Reveley, Johnne Snadoun, Percy Pott, Allane Hidlay and Johnne Reid of Troquhen, having been entered in the tolbooth of Edinburgh "for performance of thair pairtis of the lait indent sett doun be the commissioneris of baith the realmes," were relieved out of ward by the persons following, viz., Wanles and Coxon by Patrik Home of Aytoun, Reveley by Sir George Home of Wedderburne, Snadoun, Pott, and Hidlay by Sir Andro Ker of Phairnyherst, and Reid by Andro, Lord Stewart of Uchiltrie; who had become bound to assure the keeping of the said pledges and to make them forthcoming conform to the order agreed upon by the said commissioners, and for this effect to enter them again in the said tolbooth within six days after charge, under pain of payment to the "pairteis damnifeit" of all the damages for which the pledges were entered. Now, although the said cautioners, having been charged to enter the above pledges in the tolbooth and having disobeyed, may now be decerned to have incurred the said pain, yet his Majesty, willing to take all excuses of disobedience from them, ordains them to appear personally, and present the pledges foresaid upon under the said pain, and farther under the pain of being put to the horn.

Charge to parties responsible for the entry of certain English pledges that have been allowed out of ward in the Tolbooth of Edinburgh.

ge 186.

Complaint by Thomas Trustie, burgess of Drumfreis, as follows:—He is charged under pain of rebellion by two letters, one obtained by Herbert M'Kie, burgess of Drumfreis, and Thomas M'Kie, his son, and the other by Charlis Maxuell in Conhaith, to find caution that the said persons shall be harmless of him, the M'Kies in 1000 merks and Maxuell in 500 merks. Now, he had never troubled the said persons nor offered any just cause to them to seek this caution, "he being ane decriped auld man, past four scoir yeiris, liand bedfast throw age and imbecilitie of body this lang tyme bigane." Besides, the said persons have not made faith, and will not make faith, that they dread harm of him, as they should have done before directing such charges against him: "quhilkis chargeis hes bene rased be the said Harbert M'Kie upoun malice and invy, purpoislie to gett the said complenar to the horne and thairby to escheat sindrie actionis quhilkis he hes aganis the said Harbert," who knows quite well that the complainer cannot find caution in such great sums, "he being ane puir auld man," not "responsall nor valiant" to the extent of £100. He has, however, found caution to the effect foresaid in 300 merks. Wherefore the said letters should be suspended simpliciter.—The complainer appearing by his son, but none of the defenders appearing, the Lords suspend the said letters.

Suspension of horning against Thomas Trustie of Dumfries.

ge 187.

James Cunynghame, servant to the Laird of Badinhaith, appears as procurator for Adame Aslois, younger of that Ilk, Johnne Crawfurde in Welstoun, Robert Aslois in Litledein, Robert Connell there, James Boyde there, George Finlay in Grenesyde, Johnne Hoig in Nethertoun, Alexander Boyde in Murehous, Johnne Tailliour in Loneheid, Bartie Masone in Brigend, Johnne Cruikis in Cruikismyln, Margaret Finlay, his mother, Robert Lymburner in Struder, Johnne Andro there, Johnne Turnour there,

Protest in favour of Adam Asloes and a number of others.

Johnne Cruikis in Brinyeane, Jonet Miller in Brigend, Johnne Smyth in Welstoun, Johnne Adam in Brinyeane, Robert Crawfurde, younger, in Nethertoun, Johnne Harper in Ralstoun, Johnne Broun, elder, in Wardlaw, Johnne Broun, younger, there, Robert Boyde there, James Hoig in Over Wardlaw, Alexander Taillour there, Robert Harper in Cruikitholme, Williame Richie in Wardlaw, George Dickie in Capunthank, Johnne Dickie in Nethertoun, Johnne Adam in Mosflat, Patrik Adam in Bonytoun, Thomas Patoun in Ralstounhill, Johnne Harper there, James Boyde in Hoill, James Lymburner in Greneheid, Johnne Gemmill in Longdyke, Thomas Lindsay in Artnok, Robert Quhyte in Hairschaw, Robert Boyde in Cruikistoun, Jonet Neving in Murehous, James Torrence in Quhythill, Johnne Torrence, elder, there, Johnne Torrence, younger, there, Stevin Torrence in Croilburne, Robert Torrence there, Johnne Smyth, younger, in Craigany, James Cammochill in Murehouslaw, Johnne Patoun in Airtnok, Johnne Smyth in Hairschaw, Petir Gemmill in Cutlarie, Johnne Gemmill, his goodson, there, James Hog, wright, and Petir Smyth in Smithistoun. He gives in a copy of the letters raised at the instance of David Fullartoun, brother of the Laird of Dreghorn, Colonel David Boyde of Tourgill, Johnne Wallace of Carnell, Johnne Boyde, elder, in Kirkdyke, Johnne Boyde, younger, there, and Robert Harper, officer, there, by which the persons foresaid were ordered to produce the letters raised by them charging the last named persons to find lawsurety to them, with a view to the suspension of the same.—Parties being called, and the said persons last named not appearing, the said procurator protests that the letters obtained by his clients against the persons foresaid for finding the said caution shall be put to farther execution. The Lords admit the protest, and ordain accordingly. Acta 1598–1601. Page 188.

Edinburgh, 30th November.

Sederunt—Cancellarius; Fyvie; Neubottle; Thesaurarius; Dunkeld; Collector; Murdocairny; Cesfurde; Advocatus; Clericus Registri.[1] Sederunts, Fol. 14, b.

[No record of proceedings.]

Holyroodhouse, 4th December.

Sederunt—Rex; Levingstoun; Uchiltrie; Fyvie; Newbotle; Thesaurarius; Secretarius; Mrdocairny; Dunkeld; Kinlos; Collector; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Clericus Registri; Computorum Rotulator; Cesfurde; Carmichaell; Spott; Elimosinarius. Acta, p. 188.

Charge to the sheriffs of Roxburgh, Berwick, Selkirk, and Peebles to appear and answer for neglect of duty,

By divers laws and Acts of Parliament, sheriffs, stewards, and other judges are required to "knaw and understand the lawis of this realme," and to execute the same without delay; specially (1) in presenting to justice traitors and rebels standing registered in their own books unrelaxed, (2) in trying and punishing resetters and assisters of thieves, sorners, masterful beggars and "fenzeit fuillis," (3) in proceeding against persons buying Page 189.

[1] This sederunt is marked "Extraordinair" in the Book of Sederunts.

ta 1598–01.

and holding victual "to ane derth," (4) in proceeding against slayers of black fish or smolts and cutters of greenwood, (5) in finding caution in Edinburgh to account yearly in the exchequer, and to present yearly to the Lords of Session their deputes and clerks, to be examined, sworn, and admitted by the said Lords, and (6) in discharging their offices faithfully themselves, and requiring their deputes and clerks to do the same, and especially to register the letters of horning offered to them, and to bring their registers of horning to the treasurer yearly. It is provided that sheriffs proved to be "falteis or negligent in the executioun of thair offices" shall be punished by his Majesty in their persons and goods. Yet the following sheriffs have been "altogeddir cairles and unmyndful of the dewtifull discharge of thair officeis:" to wit:—I. *James Douglas of Cavers, sheriff of Roxburgh.* This sheriff has not presented to justice or endeavoured to apprehend Thomas Ker of Craling, and Andro Hoge and George Gairdner, his servants, who slew within the said sheriffdom Henry Olipher in Hyndmureheid, but has suffered them, though rebels and denounced upon 25th November 1596, and so registered in the sheriff court books of the shire of Roxburgh, peaceably to remain at their dwelling place. He has also permitted the following persons, though registered in the sheriff court books of the said shire, to dwell peaceably within the same, viz., Johnne Smyth in Ednem and George Mathiesoun there, put to the horn upon 24th July 1596 for not appearing before the King and Council to answer touching false coins found in their hands; Johnne Rutherfurde of Hunthill, Williame Scott of Howpaislatt, and Hector Turnbull of Wauchope, put to the horn upon 25th January 1595 for not paying to the said sheriff their blench ferms and castle-wards; Walter Turnbull of Bedroule, denounced 2nd August 1590 for not paying to Elspett Weir, Lady Hadden, £100 modified to her by the commissaries of Edinburgh; and Williame Allesoun, bailie of Jedburgh, denounced at the instance of James Anislie, merchant in Jedburgh, upon 20th May 1596, for not paying to him £83, 17s. as cautioner for the Goodman of Bennellis, and £26, 10s. for his own proper debt. Neither has the said sheriff, nor have his deputes, from 1586 to 1599, held any head courts or administered any of the laws and acts above mentioned, of which the execution is committed to his charge; and his clerk refused to register the letters of horning raised by James Sandielandis, tailor, burgess of Edinburgh, against Thomas Ker of Cavers. II. *Sir George Home of Spott, sheriff of Berwick.* This sheriff has not presented to justice or endeavoured to take Williame Home, younger, called of Coldenknowis, and now of Ballinta, who slew within the said shire Mr. Alexander Dicksoun, but has suffered him, though denounced upon 29th December 1596, peaceably to remain at his own place. Further, neither the said sheriff nor his deputes have apprehended the following rebels, but permitted them to dwell within the said shire, viz., Cuthbert Home, son natural of the late Robert Home of Reidheuch, George Home in Rowanster, his brother, Roger Reidpeth, Williame Bockmaker, Williame Blacader, and Johnne Broun, denounced

with specification of their offences.

age 190.

age 191.

at the instance of the late Alexander Home of North Berwick, provost of Edinburgh, upon 7th January 1595, for awaytaking from him 14 sheep pasturing upon the lands of Trottanschaw; Johnne Home, portioner of Blacader, and George Home of Quhitsome, denounced at the instance of David Home of Nynewellis upon 23rd January 1595 for not keeping him skaithless of the sum of 2000 merks, specified in the act made thereupon; George Home of Cramycruke, denounced at the instance of Johnne Home, master hunter, upon22nd May 1598, for not paying to him the victual of the teindsheaves of his lands of Cramycruke for the years 1592, 1593 and 1594; and Johnne Cranstoun and Thomas Tait, his servants, put to the horn upon 18th and 24th November, and Thomas Lowthiane in Tounfute of Newbigging, upon 4th December 1595,—the said persons being registered in the sheriff court books of the said shire. Neither the said sheriff nor his deputes, since his admission to that office, have executed any of the above-mentioned laws and acts committed to their charge. III. *Patrik Murray of Faulahill, sheriff of Selkirk.* This sheriff has not apprehended the following rebels, who are registered in the sheriff court books of the said shire, but permitted them to dwell within the same: viz., Robert Watsoun, burgess of Selkirk, denounced at the instance of Johnne Howiesoun, burgess of Edinburgh, upon 31st October 1597, for not paying him £46 and £48 as the principal, and £20 of expenses; George Halywall, Johnne Ledderdaill, and Walter Halywall, burgesses of Selkirk, denounced upon 5th November 1597, at the instance of Thomas Inglis, burgess of Edinburgh, for not paying him £740, together with £10 of expenses; Andro Ker of Primsydeloch, Walter Scott of Todrig, and Robert Scott of Rowhill, denounced at the instance of Mr. James Durhame upon 10th January 1597, for not restoring to him certain teindsheaves; Johnne Turnbule in Minto, James Turnbule in Hassinden, Walter Scott of Ordschaw, and James Langlandis, denounced upon 3rd May 1598, for not paying to the Lord of Neubotle their parts of the taxation of 200,000 merks; and James Halywell in Selkirk, denounced at the instance of David Cowane in Tranent upon 2nd July 1598, for not paying him £100 for the principal and £20 for expenses. Nor have the said sheriff or his deputes held from 1586 to 1599 any head courts or "inquireit at the same be ane condigne assise of famous personis" touching the laws above written. IV. *James, Lord Hay of Yester, sheriff of Peblis.* This sheriff has not attempted to apprehend the rebels underwritten, registered in the sheriff court books of the said shire, but has allowed them to live peaceably within the same: viz., Johnne Hay of Smeithfeild, denounced at the instance of Mr. Archibald Douglas, archdeacon of Glasgow, upon 26th November 1596 for not paying him the teindsheaves of the said archdeaconry for certain years; Williame Cokburne of Henderland, denounced upon 2nd June 1597 for not finding caution conform to the general band; James Tuedy of Drummelyear, denounced upon 3rd August 1598, at the instance of Walter, Prior of Blantyre, for not paying him certain sums as one of the cautioners for the Laird of Johnnestoun; Williame Cokburne, younger of Henderland,

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and Simone Scott, his brother-in-law, denounced upon 7th June 1597 for not finding lawburrows to Williame Vetche of Kingsyde: and David Scott, son natural of Walter Scott of Gouldielandis, denounced upon 28th January 1594 for not finding lawburrows to James Tuedy of Drummelyeare.

'age 194.

—In respect whereof the said sheriffs of Roxburgh, Berwick, Selkirk, and Peblis, with their deputes and clerks, are ordered to appear before the King and Council upon 18th instant, to answer in the premises, under pain of rebellion.

Day assigned to Lady Randiford for her probation of an alleged deforcement of her officer in April 1594.

The 29th January next assigned to Cristeane Reid, Lady Randiefurde, and Captain Patrik Hering, her spouse, for proving the points of a summons directed against Patrik Hendersoun, domestic servant to Williame Menteyth of Kers, touching his deforcing Andro Hutsoun, officer, while executing a precept of warning against the tenants of Caverca and Randiefurde at the Kirk of Avas upon Sunday 7th April 1594, "careying him captive to the duelling house of Williame Morisone, tennent to the Laird of Kers, and keiping him straitlie thairin, eftir he had strickin him with mony bauch straikis, baith with handis and feit," and had "reft the precept fra him" and contemptuously torn the same, and threatened, if ever he came again to execute precepts, to have his life; "quhairthrow the said Christeane tint hir warning that yeir." Letters to be directed to summon witnesses for proving the said matter, and the said Patrik to be warned hereof, Menteyth, younger of Kers, becoming surety in £500 for his appearance upon the said day.

'age 195.

Certain Blairs and Smalls committed to ward for armed convocation against each other.

Charge had been given to Johnne Blair, younger of Bagillo, Patrik Blair, his brother, Alexander Blair, also his brother, James Blair in the Grange of Babochrie, and Leonard Blair of Balgirscho, on the one part, and to George Small of Foderance, Thomas Small, his brother, and James Small, also his brother, on the other part, to appear this day under pain of rebellion, and answer touching their "unlawfull convocating" of themselves and others in arms upon 3rd, 4th, and 5th November last, and coming to the lands of Foderance and , "and schuiting and dischargeing of hacquebutis and pistollettis at utheris."—All appearing except the said Leonard, the order is to denounce him rebel; and, in respect of the "notorietie of the said fact," the King and Council ordain the rest of the Blairis to enter in ward in the castle of Blaknes and the said Smallis in the castle of Edinburgh, and to remain there upon their own expenses till freed by his Majesty and the Council.

'age 196.

Holyrood-house, 6th December.

Sederunt—REX; Cancellarius; Uchiltrie; Fyvie; Newbotle; Thesaurarius; Secretarius; Murdocairny; Kinlos; Dunkeld; Collector; Clericus Justiciarie; Advocatus; Custos Secreti Sigilli; Computorum Rotulator; Clericus Registri; Carmichaell; Spott; Elimosinarius.

Alexander Hunter against

Complaint by Alexander Hunter, merchant, burgess of Edinburgh, as follows:—His Majesty "being cairfull to have sum ressonabell dres and

David Bryson: in the matter of the supersedere granted to Thomas Foullis and Robert Jowsie and their cautioners.

ordour tane" with the debts of Thomas Foullis and Robert Jowssie, contracted in his Highness's service, the said complainer among others had become surety for payment of part thereof. The delay of the said order depending principally upon the absence abroad of the said Robert and upon the impediments to his return by the hornings and captions granted against him, so that the true state of his accounts could not be known, the King, with advice of his Council, had granted a supersedere and protection of Foullis and Jowssie and their cautioners till 25th August next. In November last, however, within the time of the said supersedere, the complainer was "craftilie convoyed to the house of David Brysone, maser, be Johnne Cunynghame and Patrik Acarsane, his sones-in-law, quha desirit him onely to cum and speik with him." There were with Brysoun in his house Robert Stewart, macer, Alexander Stewart, his brother, Gilbert Pennycuke, David Touris, Williame Liddell, and certain others; by whom the complainer "wes layd handis on, maid pressoner and captive, and hes bene detenit be thame sensyne,—schifted fra Page 197. place to place at thair plesour." Thus they have not only contravened the tenor of the said supersedere, but have "sa scarrit and terrifeit the said Robert Jowssie" that he dare not return within this realm for fear of the like rigour within the time of the said supersedere; so that the cause of the granting of the said supersedere, "quhilk wes the making of the said Robertis comptis," is "lyk to ceis."—Charge had been given to the said Brysone, Alexander Stewart, Cunynghame, goldsmith, and Acarsane, writer, to appear and answer; and now, the said defenders appearing personally and presenting the complainer, the King and Council, in respect complainer had been lawfully taken by the defenders in virtue of his Majesty's commission proceeding upon letters of horning executed against him at the instance of the said Brysone, and Katherine Stewart, his spouse, for not paying to them certain sums of money divers days before the granting of the supersedere foresaid, declare that complainer Page 198. shall be kept prisoner at the instance of Brysone and his spouse for their assurance of payment of the said sums of money, and therefore ordain him to be committed to ward in the castle of Edinburgh, there to remain till he shall obtain himself relaxed from the horn. They also declare that the said supersedere granted to Foullis and Jowssie and their cautioners shall be effectual hereafter in favour of the said complainer for any other cause during the time of the said supersedere.

Acta 1598-1601.

To denounce Edward Toscheoch of Monivaird for not producing certain tenants of his.

Complaint by Hary Drummond, fiar of Balloche, as follows:—Upon day of Patrik Dow M°Allaster M°Gregour, son of the late Johnne Dow M°Allaster in Callender, Gillespie M°Incaird, Andro Walker at the Walkmyln of Monywaird, Donald Boy Tailliour there, Johnne Davie there, and Jonet Mkkilip there, all tenants and servants of Eduard Toscheauch of Monywaird, came at night to the lands of Ballochehardie, "thair brak up ane house," and "thifteouslie staw" furth thereof 300 ells of linen cloth, belonging to the complainer and his tenants of the said lands. The cloth was since apprehended in the possession of the said

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stealers in presence of the said Eduard, their master, who is bound by the general band to be answerable for them.—The pursuer appearing by

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Johnne Grahame, fiar of Balgoun, his procurator, the said Eduard, for failing to appear, is to be denounced rebel.

Absolvitor to Sandilands of St. Monance from an action against him.

Charge had been given to Williame Sandielandis of Sanctmonanis to appear this day to answer touching the armed convocation made by him to the number of three or four score persons on horseback upon 24th August last, and coming to the dwelling house of Thomas Bontaverne, one of the tenants of the lands of Lethame, within the stewarty of Sanctandrois and shire of Fyffe, compelling him violently to yoke his own horse and oxen in carts and wains, and to laden the same with his "awin fuilyie," which they forced him to carry where they liked. And now, Alexander,

age 200.

Master of Elphingstoun, treasurer, appearing for the King's interest, and Sandielandis being also present, the King and Council assoilzie the said Williame from the said action simpliciter, because, the points of the summons having been admitted to the probation of the treasurer and divers witnesses, they have failed in proving the same.

To denounce Menzies of Weem for not producing two of his men.

Complaint by Mr Johnne Moncreiff, advocate, as follows:—On 24th January 1598 Donald M'Gregour, *alias* Donald Dorie, in , Donald Menzies, *alias* Donald Johnne Morisone, in , were put to the horn at the complainer's instance for not finding caution in the books of adjournal for their compearance before the justice to answer for stealing in October 1598 from the complainer, furth of his lands of Gortoun, four horses, and, in September of the same year, furth of his said lands, eight cows and oxen. They are still at the horn; and, as they are the men of Alexander Menzies of Weyme, and at present in his custody, he

age 201.

ought to enter them.—The complainer appearing personally, the defender, neither appearing nor having entered the said persons, is to be denounced rebel.

Andrew Lockhart against Foullis of Colinton as one of the officers of the Mint.

Supplication by Andro Lokhart, indweller of Edinburgh, as follows:—His Majesty, "moved with pitie of his miserable estait and conditioun, and of the grite necessitie and povirtie quhairunto he is drevin" in consequence of a debt of 3800 merks owing to him by Thomas Foullis and Robert Jowssie, had directed his precept to the officers and masters of the cunyiehouse for paying him the sum of 1000 merks furth of the £5000 due to his Highness yearly for the set of the cunyiehouse. Accordingly, the said Andro had delivered the precept to James Foullis of Colintoun, and James Foullis, his son and apparent heir, who "enterit him in payment of the soume" of £20; but now, when he expected that they would have paid him the whole sum contained in the said precept, they refuse to

age 202.

pay him one penny.—Both parties appearing personally, the King and Council remit the said matter to the judge ordinary.

To denounce Arnot of Woodmilne and others for not appearing to a charge of

Complaint by Sir David Murray of Gospertie, comptroller, and steward of the stewartry of Fyffe, as follows:—While he was lately holding a steward court in the town of Falkland for doing justice to the lieges, the persons following, viz., Johnne Arnot of Wodmyln, younger, Daniell

armed convocation in Falkland against Sir David Murray, comptroller.

Andersone, his servant, Johnne Betoun, son of the archdeacon of Lowthiane, Mr. Andro Betoun, son of the Laird of Balfour, Mr. Robert Orme, servant of David Betoun of Creich, Francis Orme, servitor to Arthour Forbes of Reres, Johnne Galloway, servant of the Laird of Cambo, elder, David Mortoun, servitor of the Laird of Barnis, Patrik and Andro Clapenis, brothers of the Laird of Carslogie, David Carstairis, Walter Duncane, son of David Duncane in Johnnestoun, Robert Keyth, servitor to the Lady Creich, with others to the number of thirty, convocated in arms, and accompanying David Betoun, apparent of Creich, rebel, came to the town of Falkland, resolved not only to oppose the holding of the said court, but also to pursue the complainer of his life,—"quhilk they had not faillit to have done wer not certane gentilmen of the cuntrey, heiring of thair unlawfull convocation and of the foule and unworthie purpois thay had in hand, raid to thame and stayit thame."—Of the defenders there appears only the said David Carstairis; on whose confession that he had come with the said rebel armed with a jack the King and Council ordain him to be warded in the Castle of Edinburgh. The rest of the defenders are to be denounced rebels for non-appearance. Acta 1598-1601. Page 203.

Edinburgh, 7th December. Act anent the prices of the new wines.

Understanding the "grite abuse and disordour usit be the ventaris of the new Frensche wynis within the burgh of Edinburgh and utheris partis of this realme, in raseing and taking sic unressonabill and extraordinar priceis for the same as is not to be sufferit, and fer abone the priceis quhairupoun the same may be sauld, respect being had to the first bying and to the haill inconvenientis quhairunto the same hes bene subject in the hamebringing," the King and Council ordain that no new wines shall be sold hereafter dearer than 5s. per pint, under pain of confiscation of the whole wines of the sellers and punishment of their persons. Page 204.

Holyrood-house, 11th December. [Convention of Estates.]

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Angus; Orknay; Mar; Seytoun; Glammis; Uchiltrie; Spynie; Fyvie; Neubottle; Dunkeld; Kinlos; Lundoris; Tungland; Incheffray; Halirudhous; Thesaurarius; Secretarius; Murdocairny; Collector; Comptroller; Advocate; Justice Clerk; Privy Seal; Clerk of Register; Elimosinar. BARONS: Bas; Wauchtoun; Tullibardin; Glenurquhy; Cesfurde; Edzell; Kilsyith; Sheriff of Air; Tracquair; Balmowto; Largo; Burlie; Balwaird; Calder; Edmestoun; Spott; Carmichaell; Halhill; Culleane. COMMISSIONERS of BURGHS: Thomas Fisher, George Hereot, elder,—Edinburgh; Robert Flesheour, Dundee; David Forret, Sanctandrois; Nicol Clapen, Brintiland; Ballinhard, Lynlythqu; James Cokburne, Hadingtoun; Mr. Eduard Aitkin, Dunbar. Sederunts, Fol. 14, b.

Holyrood-house, 12th, 13th, 14th December.

Sederunt—ut in die predicto; Commissioners chosen by these baronis: Tullibardin, Glenurquhy, Sheriff of Air, Largo, Kilsyth.

nventions of tates 1598–78. ol. 36, b.

Citation of the Act of Convention of Estates of date 29th June 1598 ordering, for defence of the realm, all the lieges to be provided with armour according to their particular ranks and qualities (*see* vol. v. p. 464). Privilege to Sir Michaell Balfour of Burley to import armour, and charge to the lieges to buy the same (*ante* p. 18).[1]

Holyrood-house, 14th December. Act anent armour.

:ta, p. 204.

Understanding the good affection of Sir Johnne Carmichaell of that Ilk, and his long previous experience as warden of the West March, where the lieges are "havilie opprest, troublit and wrackeit, and divers attemptis committit aganis the peace betuix the tua realmis," his Majesty now, with advice of the Council, and of Williame, Earl of Angus, lieutenant of the whole Marches, has made and constituted the said Sir Johnne warden and justice of the West March, with all the usual powers. Proclamation is to be made accordingly, commanding all the subjects within the West Wardenry to obey and assist him under the highest pains.

Holyrood-house, 15th December. Sir John Carmichael appointed warden of the West March.

:ge 205.

"The Kingis Majestie and Lordis of his Secreit Counsall undirstanding that in all utheris weill governit commoun welthis and cuntreyis the first day of the yeir begynis yeirlie upoun the first day of Januare, commounlie callit new yeiris day, and that this realme onlie is different fra all utheris in the compt and reckning of the yeiris; and his Majestie and Counsall willing that thair salbe na disconformitie betuix his Majestie, his realme and leigis, and utheris nichtbour cuntreyis in this particular, bot that thay sall conforme thameselffis to the ordour and custum observit be all utheris cuntreyis, especiallie seing the course and seasoun of the yeir is maist propir and ansuerabill thairto, and that the alteratioun thairof importis na hurte nor prejudice to ony pairtie: thairfoir his Majestie, with advise of the Lordis of his Secreit Counsall, statutis and ordanis that in all tyme cuming the first day of the yeir sal begin yeirlie upoun the first day of Januare, and thir presentis to tak executioun upoun the first day of Januare nix to cum, quhilk salbe the first day of the j^m^ and sex hundreth yeir of God; and thairfoir ordanis and commandis the clerkis of his Hienes sessioun and signet, the directour and writtaris to the chancellarie and prevey seall, and all utheris jugeis, writtaris, notaris, and clerkis within this realme, that thay and everie ane of thame in all tyme heireftir date all thair decreittis, infeftmentis, charteris, seasingis, letteris, and writtis quhatsumevir, according to this present ordinance, compting the first day of the yeir fra the first day of Januare yeirlie and the first day of the j^m^ and vi^c^ yeir of God fra the first day of Januare nix to cum; and ordanis publicatioun to be maid heirof at the mercat croceis of the heid burrowis of this realme, quhairthrow nane pretend ignorance of the same."

Holyrood-house, 17th December. Ordinance that the 1st of January shall in future be accounted the first day of the year in Scotland.

:ge 206.

Sederunt—Cancellarius; Mar; Seytoun; Newbotle; Blantyre; Holyrood-house, 18th December.

[1] The Sederunts of this Convention are not given in the Acts of Parliament, and are taken from the Book of Sederunts. Though the Convention sat for four days, only one Act is recorded (*see* Printed Acts of Parl., iv. pp. 190–1).

Kinlos; Fyvie; Thesaurarius; Secretarius; Advocatus; Clericus Justiciarie; Clericus Registri; Collector; Computorum Rotulator; Murdocairny; Tracquair; Elimosinarius; Carmichaell; Cesfurde; Halhill. Acta 1598-1601.

To denounce Lord Borthwick and his brothers for spuilyie.

Complaint by George Thorbrand, merchant, burgess of Edinburgh, as follows:—Upon 5th instant, Williame Borthuik, brother of Lord Borthuik, and Johnne Borthuik, his brother, servitor to the Earl of Orknay, with their accomplices, to the number of sixteen persons, by the direction of the said Lord Borthuik, came to the complainer's barn of Tertrak, where his servants were "threscheing oute and dichting his cornis," and there threatened his servants, and most wrongously and violently reft and took away with them upon their horses 30 bolls of bear belonging to the complainer.—The complainer appearing personally, Lord Borthuik and his two brothers, for failing to appear, are to be denounced rebels. Page 207.

Holyrood-house, 20th December.

Sederunt—REX; Cancellarius; Mar; Neubotle; Thesaurarius; Secretarius; Dunkeld; Blantyre; Kinlos; Murdocairny; Collector; Clericus Justiciarie; Custos Secreti Sigilli; Advocatus; Clericus Registri; Tracquair; Halhill; Elimosinarius.

To denounce Alexander Calder and others for not appearing to a charge of assault.

Complaint by Patrik Forbes of Bithny, as follows:—In August last, Alexander Calder of Aslowane, Johnne Calder, his servitor, Johnne Thomesoun, Duncane Thomesoun in Mylne of Towie, with their accomplices, armed with bows, swords, and pistolets, came to the complainer's lands of Megvy, where he was causing his tenants to lead his peats, and there shamefully invaded him of his life, stayed his servants from leading peats, "preist violentlie to have reft fra him and his servandis certane lynning claith, and had not faillit to have slane the said complenar wer not be the providence of God he wes fred and relevit be certane gentilmen quha happynit to be present."—The pursuer appearing personally, the defenders, for not appearing, are to be denounced rebels. Page 208.

To denounce Donald Urquhart for not appearing to a charge of rescuing a prisoner.

Alexander, Master of Elphingstoun, treasurer, having directed Williame Leslie with his Majesty's commission for apprehending certain persons suspected of false cunyie, and having taken Thomas Fraser as suspect of the said crime, Donald Urquhart, notary in Banff, with his accomplices, came upon 14th November last to Leslie, then in the said town, and, "eftir mony injurious wordis utterit aganis him," violently reft Fraser from him.—Urquhart, failing to appear, is to be denounced rebel. Page 209.

Edinburgh, 21st December. Charge to Lord Ochiltree and others to find caution.

Order to Andro, Lord Stewart of Uchiltrie, Hew Campbell of Lowdoun, sheriff of Air, Gilbert Kennedy of Bargany, Kennedy, apparent of Blaquhane, and Mr. Johnne Kennedy, apparent of Baltersane, on the one side, and to Johnne Levingstoun of Donypace and Levingstoun of Pantosken, on the other side, to find cautioners within 48 hours after charge that either party shall be harmless of the other, under the pains

a 1598–1. following,—Uchiltrie, Lowdoun, Blaquhane, and Bargany, each in 5000 merks, Mr. Johnne Kennedy in 2000 merks, Dunypace in 5000 merks, and Pantosken in 2000 merks. They are required to keep their lodging in the meantime, under pain of rebellion.

: 210. *Sederunt*—Lennox; Cancellarius; Mar; Uchiltrie; Fyvie; Flemyng; Neubotle; Thesaurarius; Secretarius; Murdocairny; Kinlos; Blantyre; Clericus Registri; Advocatus; Computorum Rotulator; Spott; Carmichaell; Custos Secreti Sigilli; Clericus Justiciarie; Collector. Edinburgh, 27th December.

Understanding that Alexander Levingstoun of Pantosken, on the one part, and Mr. Johnne Kennedy, apparent of Baltersane, on the other, "hes of lait maid ane challenge and undirtane ane singular combat" without any warrant from his Majesty to that effect, and seeing all such combats are prohibited by the laws and not allowed in any other well-governed commonwealth, and that "the event of this combat" is not likely to procure peace to the parties, the King and Council order charge to be given to the said persons and to all others who are or shall be "appointit jugeis, witnessis, assistaris, or pairttakaris to the said combat," personally if they can be apprehended, or else by open proclamation at the market cross of Edinburgh, not to enter in the said combat, or to make any further challenges or provocations to that effect, under pain of death. Discharge of a private combat between certain persons.

Order to Williame, Lord Hereis, Sir Robert Maxuell of Spottis, Williame Maxuell, younger of Tynwall, Maxuell of Kirkconnell, Maxuell of Conhaith, Edward Maxuell of the Hillis, Maxuell of Drumcoltrane, Alexander Maxuell of Balgredane, Maxuell of Cowhill, Maxuell of Portrak, Maxuell, his brother, Homer Maxuell of Carnsallauch, Harbert Maxuell of Kirkmaho, Maxuell of Keltoun, : 211. Maxuell of the Ile, Maxuell of Dynwiddie, Maxuell of Killilung, and Maxuell of Lamingtoun, on the one part, and to Sir James Johnnestoun of Dunskellie, on the other part, to subscribe, one party to the other, such form of assurance as shall be presented to them, under pain of rebellion. Charge to certain Maxwells and the Laird of Johnstone to find mutual assurances.

Charge to the same effect to be given to Johnne, Earl of Cassillis, Andro, Lord Stewart of Uchiltrie, Hew Campbell of Lowdoun, sheriff of Air, Johnne Kennedy, elder of Blaquhane, Kennedy, apparent of Blaquhane, Gilbert Kennedy of Bargany, Kennedy of Girvanemaynis, Kennedy of Baltersane, and Mr. Johnne Kennedy, his son and apparent heir, on the one part, and to Alexander, Lord Levingstoun, Johnne Levingstoun of Dunypace, Alexander Levingstoun of Pantosken, and Levingstoun of Kilsyth, on the other part. Similar charge to the Earl of Cassillis, Lord Livingstone, and others.

Complaint by Sir Johnne Ker of Hirsell, assignee appointed by his late father, Walter Ker of Litleden, to a certain decreet of removal, and by Alexander, Master of Elphingstoun, treasurer, for his Majesty's interest, as follows:—Walter Scott of Harden, having been put to the horn upon 11th December 1598 through letters raised against Absolvitor to Scott of Buccleuch from a certain action.

him by the said complainer for not refunding to complainer, as assignee foresaid, certain byrun profits of the lands of Borthuikscheillis, together with £25 for expenses, conform to the said letters registered in the sheriff books of Roxburgh, has since the time of the said denunciation remained at the horn, and so continues rebel, "in proude contempt of his Hienes, and in manifest defraude of the said complenar, assignay abone mentionat, of all executioun of his said decreit." Now, the said rebel is tenant of Sir Walter Scott of Branxholme, who is chief of that clan, and accordingly is obliged to make him answerable. Besides, Sir James Scott of Balwerie, upon 21st July 1596, became bound that all such persons as the said Sir Walter is obliged for should be answerable to justice.—The pursuers appearing personally, and Scott of Branxholme appearing by Mr. Jedeone Murray, his procurator, and the said cautioner by James Scott, writer in Edinburgh, his procurator, the Lords assoilzie simpliciter Scott of Branxholme and his said cautioner from the action, and specially from all entry of the said Watt Scott of Harden for this matter, because the Acts of Parliament against landlords and bailies in the Highlands and Borders, ordaining them to find caution to make their men answerable to justice, require them only to enter their men before the Justice in criminal causes (viz., masterful reif, theft, and reset of theft, sorning, depredations, open and avowed fire-raisings), and not before the King and Council in civil causes, and the cause of the said Watt Scott's rebellion is civil.

Acta 1598-1601. Page 212. Page 213.

Entry by Lord Fleming of Richie Batie, pledge.

Johnne, Lord Flemyng, having entered before the Lords of Secret Council Richie Batie, pledge, conform to the charge raised by Katherine Hay, relict of Robert Hunter of Powmoid, and Michaell Hunter, now of Powmoide, her son, protests that the caution found by him for the entry of the said Richie shall be freed. The said Lords admit his protest; and, the said Richie being re-delivered to the said Lord upon his own suit, the said Lord becomes bound in 6000 merks to present Batie to the Council again upon 7th February.—The part of the act touching the re-entry of the pledge is deleted by a warrant subscribed by his Majesty, the Chancellor, Lord Levingstoun, the Treasurer, Lord Uchiltrie, and Prior of Blantyre, dated Halirudhous 7th February 1600.

Order anent the Laird of Carmichael's absence from the Council during his wardenship of the West March.

Sir Johnne Carmichaell of that Ilk gives in a letter of his Majesty, subscribed at Halirudhous 25th December last, bearing that, as his Highness has appointed Sir Johnne to be warden of the West March, "sua that he wilbe constrained to mak his maist frequent residence and remaning within the boundis of that wardenrie, for retening and holding of the same undir obedience," and as his Majesty is "willing thairfor that his absence fra our Counsaill sall nawise prejuge him of his place and vote in Counsaill, bot that he sall still brouke and enjoy the same place at all tymes quhen the occasioun of his presence beis offerrit," therefore his attendance upon the Council is dispensed with during the time of his office. The Clerk of Council is commanded to insert this letter in the Book of Sederunt for the said Sir John's farther security.

Sederunt Fol. 15, b Fol. 16, a

runts, 16, a.

Sederunt—Cancellarius; Cassillis; Mar; Fyvie; Neubottle; Kinlos; Thesaurarius; Cesfurde; Advocatus; Custos Secreti Sigilli; Clericus Registri; Elimosinarius. Edinburgh, 1st January 1600.[1]

[No record of proceedings.]

, p. 214.

Sederunt—Cancellarius; Cassillis; Mar; Flemyng; Fyvie; Thesaurarius; Secretarius; Blantyre; Murdocairny; Kinlos; Advocatus; Clericus Justiciarie; Collector; Computorum Rotulator; Clericus Registri; Custos Secreti Sigilli; Elimosinarius. Edinburgh, 3rd January 1600.

Suspension of horning against James Tarres, messenger.

Complaint by James Tarres, messenger, as follows:—He has been put to the horn at the instance of Archibauld Prymrois, writer, collector of the tax of the raid of Drumfreis, for not accounting to him, or to James Law, his depute, for his intromission with the said tax within the shires of Narne, Elgin, and Forres. Now, immediately after the charge given to him by Andro Dumbar, messenger, and five days before the using of the said denunciation, he did account to Law for his said intromission and obtain his acquittance thereon; and the said James had declared the same to the said messenger, and discharged him of farther proceeding in that matter. Nevertheless, the said messenger "maist maliciouslie, eftir he wes dischargeit, denunceit the said complenar to the horne." Farther, the said letters are executed against complainer without the knowledge of Prymrois; and, as for the complainer's escheat, the same will not pertain to his Majesty, in respect complainer dwells within the regality of Spynie. On
215. these grounds the said letters should be suspended simpliciter.—The complainer appearing by David Ezatt, his procurator, but Andro Dumbar failing to appear, the Lords do suspend the letters.

To denounce David Ogilvy.

David Ogilvy of Neidis, for not appearing to answer touching his "beiring and weiring of hacquebutis and pistoletis" at divers times contrary to the laws, is to be denounced rebel.

Protest in favour of the provost and bailies of Montrose.

James M^c^Burne, appearing as procurator for the provost and bailies of Montrois, and giving in a copy of the King's letters raised by Mr. James Wischeart, burgess there, charging the said magistrates to produce before the Council the letters raised at their instance whereby the said Mr. James was ordained to pay them £24 for his part of the contribution levied within the burgh for satisfying his Majesty's decree pronounced against the said burgh in favour of Edmond Arnold, Englishman, with a view to
216. the suspension of the same, protests that, as the said Mr. James has not appeared, the letters foresaid obtained by the said magistrates against him shall be put to execution.—The Lords admit the protest and ordain accordingly.

[1] The order of Council of the preceding 17th of December (*ante*, p. 63) now takes effect in the register, and the year henceforth begins in Scotland on the 1st of January, though England still adhered to the custom of not beginning it till the 25th of March.

Edinburgh, 8th January, 1600.

Sederunt—Cancellarius; Cassillis; Uchiltrie; Thesaurarius; Neubottle; Secretarius; Blantyre; Kinlos; Collector; Clericus Justiciarie; Advocatus; Cesfurde; Clericus Registri; Privy Seal. Sederunt: Fol. 16, a

[No record of proceedings.]

Holyrood-house, 10th January, 1600.

Sederunt—Rex; Dux; Cancellarius; Angus; Mar; Cassillis; Levingstoun; Uchiltrie; Fyvie; Neubotle; Blantyre; Thesaurarius; Secretarius; Kinlos; Collector; Custos Secreti Sigilli; Advocatus; Clericus Registri; Cesfurde; Clericus Justiciarie; Tracquair; Elimosinarius. Acta, p. 9

Decree in the matter of certain sheriffs and their deputes charged to appear before the Council to answer for certain defaults.

Charge had been given to James Douglas of Cavers, sheriff of Roxburgh, Robert Turnbule, his depute, Sir George Home, sheriff of Beruick, Adame Cokburne, his depute, Patrik Murray of Fawlahill, sheriff of Selkirk, James, Lord Hay of Yester, sheriff of Peblis, and William Horsburgh of that Ilk, his depute, to appear and hear it declared that they had contravened the laws and Acts of Parliament in the special points stated (*ante* pp. 56–9), so that order might be taken thereanent. And now, Mr. Thomas Hammiltoun of Drumcairne, advocate, appearing for his Majesty's interest, and the sheriff of Roxburgh, with his depute, and the sheriff of Selkirk, and the sheriff depute of Peblis, being also present, but the sheriff of Berwick, and his depute, and the sheriff of Peblis, failing to appear, the King and Council find that the defenders present have failed in the dutiful discharge of their offices in the points stated, and therefore decern them to be at his Majesty's will for punishment in their persons and goods, and command them not to depart till his Majesty declare his will, under pain of rebellion. Farther, the King and Lords excuse the absence of the said Sir George Home, in respect of his sickness, and also excuse the absence of Lord Yester, because of the compearance of his said depute, but ordain the said Adame Cokburne to be denounced rebel for not appearing. Pp. 217–9 Page 223

Commission to consider means for more effective concurrence of the lieges with sheriffs and magistrates in the execution of their offices.

Order to Ludovik, Duke of Lennox, Johnne, Earl of Montrois, chancellor, Williame, Earl of Angus, Johnne, Earl of Cassillis, Johnne, Earl of Mar, Alexander, Lord Levingstoun, Mark, Lord of Newbotle, Andro, Lord Stewart of Uchiltrie, Alexander, Master of Elphingstoun, treasurer, Alexander, Lord of Fyvie, Walter, Prior of Blantyre, Eduard, Commendator of Kinlos, to meet in the abbey of Haliruidhous upon 11th instant, at two hours in the afternoon, and there to consider how far the lieges are obliged by the laws to assist the ordinary sheriffs and magistrates in the execution of their offices, and what punishment is proper for persons refusing such duty, and to propose means for more effective obedience in time coming than in the past, "quhairthrow all pretens of excuse in the saidis shereffis anent the negligint executioun of thair officeis throw default of moyane and concurrence may be removit." The overtures are to be put in writing.

1598 224. Order to charge James Twedy of Drummelyear on the one part, and Williame Vetche of Dawick on the other, to appear before the Council on a certain day, prepared to submit the feud standing between them to neutral persons, under pain of rebellion, and in the meantime to subscribe such form of assurances as shall be presented to them, and to find caution, each in 5000 merks, for observation thereof. Edinburgh, 12th January. Charge to Twoedie of Drumelzier and Veitch of Dawick.

Sederunt—Rex; Cancellarius; Lennox; Angus; Cassillis; Mar; Levingstoun; Uchiltrie; Thesaurarius; Secretarius; Clericus Registri; Clericus Justiciarie; Advocatus; Blantyre; Kinlos; Custos Secreti Sigilli; Collector; Computorum Rotulator; Cesfurde; Spott; Elimosinarius. Holyrood-house, 15th January.

Patrik, Lord Glammis, appears and disowns all connexion of mastership with Patrik Johnnestoun, who upon 13th instant "invadit and persewit" Sir Johnne Lindsay of Ballinscho on the high street and calsay of Edinburgh; promises to do his diligence to present the said Johnnestoun before the King and Council for punishment; and consents that, if he shall reset or maintain the said Johnnestoun hereafter, it shall be esteemed a break of assurance. Lord Glammis and Patrick Johnstone.

225. The King and Council "remembering how that the shereffis, stewartis, and bailleis, for the maist parte, within this realme, hes evir imputed the caus of thair undewtifull discharge of thair officeis to the want of power and force to execute the same officeis be the not obedience and concurrence of the personis within thair schyre, and his Majestie being weill myndit to remove and tak away that pretens of excuis and to establis and sett doun some gude remedeis and actis at the nixt Conventioun of the Esteatis, now schortlie approcheing, how the saidis shereffis may have bettir obedience and concurrence nor thay have had in tyme bigane, and seing necesser it is that sum of the saidis shereffis be present thameselffis at the said Conventioun to gif thair best avise and counsall, and to propone and mak ovirturis heiranent to the saidis Esteatis, to the effect the same may be accordinglie ressaved and allowed," there is an order therefore to charge the sheriffs following [names not given] to appear before the said Estates at Perth upon March next, to the said effect, under pain of rebellion. Charge to sheriffs to attend the next Convention of Estates, to give their advice as to the better execution of their offices.

Order to charge Patrik Johnnestoun in to appear personally and answer, under pain of rebellion, touching the crime aforesaid (*supra*) committed by him without the consent or knowledge of Lord Glammis, in whose company he had been for the time, thus occasioning farther trouble between the said Lord and the house of Crawfurde. Charge to Patrick Johnstone, in the matter of the trouble he had occasioned to Lord Glammis.

235. Complaint by Ludovick, Duke of Lennox, as follows:—In consequence of a decree he had obtained before the Session against Donald Campbell of Dronghie, Johnne Campbell, his son and apparent heir, and Robert Campbell, also his son, for removing them from his fourteen merkland of Mamoir, Mambeg, and Forlancarry, lying in Duke of Lennox against Donald Campbell and other evicted persons for violence done to the Duke's tenants

of the lands from which they have been evicted.

the Lennox and shire of Dumbartane, the said persons had been lawfully removed therefrom, and the complainer had entered his tenants and servants into the said lands and houses thereof. But, in September last, while they were "pasturing thair bestiall and guidis upoun the gres thairof," the said persons, with their accomplices, all armed with hagbuts and pistolets, came to the said lands, and there threatened some of them, "hurt and dang" others, and vowed to take their lives if they laboured the said lands thereafter. "For feir quhairof the said Duikis tennentis durst not remane upoun the saidis landis and biggingis thairof, bot hes removit thairfra, sua that the saidis personis hes maist violentlie and wrangouslie ejectit him furth thairof aganis all equitie and justice, and hes layd and haldin the same waist; lyke as nane dar tak the samyn landis fra the said Duke for feir of thair bangastrie and oppressioun." Farther, the said persons, assisted by Duncane Campbell, captain of Carrik, assembled Patrik Bell and M^cLeichsun, miller at Carrik, servitors to the said Duncane, Neill Campbell in Lochgoylisheid, M^cIlchallum Ger M^cilvane, Johnne Glas, and M^cLauchlane, his servitors, with certain broken Highlandmen furth of Glencoan: which persons "hes cum to the cuntrey of Ardgyle, and thair dernit thameselffis, and ar fullie resolved and deliberat to murdreis and slay his tennentis and to reve and spuilyie thair geir; for feir of quhais persute his tennentis dar not lay in thair awin houssis."—The Duke, appearing personally, passes from the pursuit of the said Donald Campbell of Dronghie and his two sons; George M^cGleische, minister, appears as procurator for the said Captain of Carrik, alleging that the Captain himself was "not able to travell in respect of his present disease and seiknes"; but the other defenders fail to appear. The King and Council excuse the absence of the Captain, but ordain the others to be denounced rebels.

Acta 1598-1601. Page 236.

Holyrood-house, 17th January.

Sederunt—Cancellarius; Cassillis; Uchiltrie; Kinlos; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Computorum Rotulator; Spott; Elimosinarius.

Page 226.

To renounce Ross of Ballivat, for not appearing to a charge of housebreaking, violence, and reif.

Complaint by Alexander Falcouner of Halkertoun that, upon 24th September last, Johnne Ros of Ballivat, with his accomplices, all armed with bows, swords, hagbuts, and pistolets, came at night to the complainer's lands of Mekle Dulty, where his tenants were taking the night's rest, violently broke up the doors of their houses, and "maist schamefullie dang and misuseit the said complenaris tennantis, and reft, spuilyeit, led and awaytuke upoun kairtis and sleddis, brocht with thame thair for that same purpois, ane grite quantitie of thair cornis, togidder with the haill guidis, geir, and movabillis of thair saidis duelling placeis."—The complainer appears by a procurator; but Johnne Ros, not appearing, is to be denounced rebel.

lerunts, l. 16, b.

Sederunt—Rege presente—Cancellarius; Angus; Mar; Levingstoun; Uchiltrie; Urquhart; Secretarius; Episcopus Dunkeldensis; Tracquair; Thesaurarius; Sir Robert Ker; Comptroller; Clerk Register; Privy Seal; Blantyre; Kinlos; Advocate; Spot; Elimosinarius; Collector; Carmichaell. Holyrood-house, 22nd January.

[No record of proceedings.]

Sederunt—Rege presente—Dux; Cancellarius; Angus; Cassillis; Mar; Fleming; Ochiltrie; Urquhart; Secretarius; Episcopus Dunkeldensis; Blantyre; Kinlos; Computorum Rotulator; Clericus Registri; Custos Secreti Sigilli; Advocatus; Collector; Carmychaell; Tracquair; Cesfurd; Elimosinarius. Holyrood-house, 21th January.

[No record of proceedings.]

:a, p. 227.

Sederunt—Rex; Cancellarius; Cassillis; Mar; Uchiltrie; Fyvie; Dunkeld; Secretarius; Collector; Advocatus; Clericus Justiciarie; Computorum Rotulator; Clericus Registri; Kinlos; Custos Secreti Sigilli; Cesfurde; Carmichaell; Spott; Elimosinarius. Holyrood-house, 29th January.

The King and Council, willing that the ordinary time of Lent shall be precisely kept this present year, ordain letters to be directed forbidding all and sundry to eat or make ready for eating any kind of flesh between the 10th day of February and the 23rd March next, being Pasch day, under the pains contained in the Acts concerning Lent, and commanding the provost and bailies of Edinburgh, and the magistrates of all other burghs, to make diligent search among the fleshers, taverners, hostelers, poultrymen, common cooks, and such others as sell flesh in great or small quantity, and to put offenders in ward, for trial according to law. Act for strict observance of Lent in this present year.

ge 228.

Complaint by Richard Moffatt, as follows:—Upon 15th July last, between 9 and 10 o'clock at night, while he was "cuming doun the hie streit of this burgh at the Nether Bow to his awin house," James Watsoun, maltman and wright in the Cannogait, accompanied with four or five persons, all armed with swords and gauntlets, "maist schamefullie and unhonnestlie, under silence of nicht, umbeset and persewit the said Richard of his lyffe, patt violent handis in his persone, and, eftir mony bauch and bluidie straikis gevin be thame to him," carried him by force to Watsoun's house, where they kept him that night, and spuilyied from him his cloak, sword, and purse.—The pursuer appearing by Johnne Achiesoun, servant to his Majesty, his procurator, and the defender appearing personally, the King and Council, having heard both sides, with the depositions of certain witnesses, find that Watsoun has committed offence in carrying Moffat to his house without the concurrence of the ordinary magistrates, and therefore ordain the bailies of the Cannogait to put Watsoun in ward in thair own tolbooth, and remit to the said bailies to deal with him thereafter as they shall think meet. Richard Moffat against James Watsoun, for illegal arrestment.

ge 229.

Decree against the Commendator of Incheffray and Sir John Murray of Tullibardine as cautioners for MacGregor of Glenstrae.

James, Commendator of Incheffray, and Sir Johnne Murray of Tullibardin, had, upon 2nd August last, become bound in 10,000 merks as cautioners for Allaster M^cGregour of Glenstrae, that he should appear before the King and Council at Edinburgh upon 4th September last, and bring with him one of the pledges specified in his own offers (*ante* p. 20). Parties having been called upon the said 4th, and thereafter by continuation upon 6th September, the said cautioners, appearing personally, had entered Johnne Dow M^cEwne, one of the pledges specified in the said offers, and had alleged that the said Allaster "wes visite with infirmitie and seikness, sua that he wes not able to travell." The Lords of Council had then prorogated his entry before them till 15th November last, and had delivered back the said pledge to Murray, who had become bound to re-enter him before them upon the said 15th November, under pain of 5000 merks. The said acts had accordingly been called upon 15th November last, and continued from time to time thereafter till 29th January instant, upon the said cautioners' suit and promise to enter the said Allaster and his said pledge. And now, the said cautioners having been again called this day, and not appearing nor having entered the said Allaster and his pledge, the King and Council decern the said acts to have been contravened, and the said Commendator and Murray to have incurred the said pain of 10,000 merks for the non-entry of M^cGregour, and the said Murray to have further incurred the pain of 5000 merks for the non-entry of the pledge foresaid, and ordain letters to be directed against them for payment of the said sums.

Acta 1598-1601.

Page 230.

Holyrood-house, 31st January.

Sederunt—Rex; Lennox; Cancellarius; Angus; Cassillis; Mar; Seytoun; Uchiltrie; Fyvie; Thesaurarius; Secretarius; Advocatus; Clericus Justiciarie; Clericus Registri; Kinlos; Custos Secreti Sigilli; Computorum Rotulator; Cesfurde; Carmichaell; Spott; Elimosinarius.

Denunciation of the lawless Clan Gregor, with proclamation against resetting their goods or holding any traffic with them.

"Forsamekle as the wicked and unhappie race of the clan Gregour contenewing sa lang in blude, thift, reif, sorning and oppressioun, sa frequentlie committit upoun the peceable and gude subjectis of the incuntrey, to the utter wrack, miserie, and undoing of grite nowmeris of honnest and substantious houshalderis, and laying waist of divers weill plenneist roumes, to the offence and displesur of God, and contempt of his Hienes and his lawis; and his Majestie finding thame alwayis bent to follow the unhappie cours of thair awne perverse nature and inclinatioun, eftir that his Hienes had delt and travellit be fair and gentill meanis to have brocht thame under sum obedience; and Allaster M^cGregour of Glenstrae, thair cheif and ringleidar, haveing maist undewtifullie and unhonnestlie violat his promeis maid to the gentilmen quha interponit thair bandis and promeis for him to his Majestie, and thairby professing and avowing himselff and his unhappie race to be outlawis and fugitives, and enemeyis to all dewtifull and gude subjectis:—his Majestie thairfoir is

Page 231.

ta 1598-01. resolved to persew and prosequute thame with all rigour and extremitie, according to thair deservingis. Bot, becaus the bipast conforte and countenance quhilk thay have fund amangis thair landislordis and uther cuntrey people at sic tymes as be his Hienes authoritie thay have bene heirtofoir persewit, in ressetting, huirding and keiping of thair guidis, and making of bloikis and barganis with thame, hes encourageit thame at everie occasioun to brek lowse, and to sorne, herrey, and wrack his Hienes subjectis,—quhairas, gif sic unlawfull resett and huirding of thair guidis were denyit and refused unto thame, sum redres micht be gotten of the stouthis and reiffis committit be thame,—his Hienes thairfoir, with advise of his Counsall, hes avowed to punische with all rigour and extremitie all sic personis as heireftir sall gif ony sic unlawfull ressett to the saidis lymmaris, thair guidis or geir; and, to the effect nane pretend ignorance heirof, ordanis letters to be direct to command, charge and inhibite all and sindrie maisteris and landislordis of the M'Gregouris, and all utheris his Hienes subjectis quhatsumevir, be oppin proclamatioun at all placeis neidfull, that nane of thame presume nor tak upoun hand at ony tyme heireftir to ressett, huird, or keip ony of the guidis or geir pertening to quhatsumevir personis of the name of M'Gregour, thair followeris and pairttakaris, nor to by ony of thair guidis or geir fra thame, nor to mak bloikis nor barganis with thame thairanent, privatlie nor publictlie, in mercat nor utherwayis,—certifeing thame that failyeis, or dois in the contrair, that thay salbe repute, haldin, and estemit as arte and pairttakaris with the saidis M'Gregouris, fosteraris, authorizaris, and allowaris of thame in all thair wicked and evill deidis, and salbe persewit and punist thairfoir with all rigour and extremitie, to the terrour of utheris."

ge 232.

King's advocate against Sir John Cranston of that Ilk, Mr. William Cranston, and James Douglas of Cavers, for reset of Mr. Thomas Cranston of Moriston, a declared traitor.

Action at the instance of Mr. Thomas Hammiltoun of Drumcairne, King's advocate, as follows:—It is provided by divers Acts of Parliament that the resetters of traitors and rebels "salbe forfaltit thameselffis and punist to the death," with confiscation of all their goods; and farther, by an Act of the Parliament held at Edinburgh in 1592, it was ordained that the said Acts be put to due executioun, the lieges to assist in searching for rebels (Acts of Parl., iii. pp. 554 and 574). Now, in that Parliament Mr. Thomas Cranstoun of Moreistoun had been forfaulted (Acts of Parl., iii. pp. 528–31); after which, "haveing nawise purgeit his former contumacie and rebellioun, bot being delaitit of new conspiraceis aganis his Majesteis lyffe and estait," he had been "chargeit to compeir befoir his Majestie and his Secreit Counsall at Edinburgh to ansuer to the saidis crymes," and for his non-compearance had been put to the horn. Again, upon 19th January 1593, he had been put to the horn for his said treasonable rebellion; and, upon 26th February in the same year, it had been ordained that none of the lieges should reset or intercommune with him and his accomplices, "avowit and declairit tratouris and fugitives fra the lawis," under pain of treason, and commission had been granted to the provost and bailies of Edinburgh to apprehend him. But, "perseverand

ge 233.

in his trassonabell rebellioun," he had, in April 1594, accompanied Frances, sometime Earl Bothuill, and his accomplices, against his Majesty at the raid of Leyth, "with displayit baner." Although, for all these "odious crymes," his Majesty's lieges were discharged from resetting or intercommuning with him, under the pains foresaid, Sir Johnne Cranstoun of that Ilk, Mr. Williame Cranstoun, fiar of that Ilk, his son-in-law, and James Douglas of Cavers, had, in June, July, August, and September last, resetted and intercommuned with the said Mr. Thomas in the place of Nether Creling, belonging to the said Laird of Cranstoun, elder, and in divers other places near the Borders. Hence the present action.—The pursuer appearing personally, and the said defenders being also present, Sir Johnne Cranstoun confesses that the said Mr. Thomas Cranstoun was with him for five days about the time libelled, and declares that the said Mr. Thomas "shew to him that he wes send for be his Heynes officiar"; but Douglas denies the libel. In respect of the confession foresaid the King and Council ordain the said Sir Johnne Cranstoun and the said Mr. Williame to be committed to ward in the castle of Edinburgh. Acta 1598–1601. Page 234.

Exoneration of Sir Robert Ker of Cessford from a charge made against him in connexion with the preceding action.

As to the above declaration of the Laird of Cranstoun, elder, that the said Mr. Thomas Cranstoun "schew to him that he wes send for be his Hienes officiar," Sir Robert Ker of Cesfurde, officer and warden of the Middle March, "finding himself particularlie interest and tuicheit, seing the same careyed with it a infamous spott and reproche to him of ane maist odious cryme," most humbly craves, "in regaird of the place and office quhilk he hes of his Majestie, and of the honnour quhairunto his Hienes hes premoved him to be of the nowmer of his Prevey Counsall, that his Majestie, for his purgatioun, wald try and examine this mater as appertenis."—The King and Council, having tried the said matter by the depositions of certain persons whom the Laird of Cranstoun, elder, "declairit to have bene nominat be the said Maister Thomas to have bene prevey to the said Sir Robertis dealing thairin," find the said report to be false. They find that no such message had been sent from the said Sir Robert to the said Mr. Thomas as he had affirmed, and that Sir Robert had had no dealing with the said Mr. Thomas, "bot onlie had yeildit, at the desire of certane the said Maister Thomas his freindis, not to persew the said Maister Thomas for ony of his awne particularis, reservand alwayis his dewtie and obedience to his Majestie in the executioun of quhatsumevir thing outher belangit to his dewtie and office or sould be particularlie injoynit to him be his Hienes aganis the said Maister Thomas, as become ane dewtifull officiar and faithfull subject." Accordingly, the said Sir Robert is declared innocent, and the report calumnious. Page 235.

Holyrood-house, 1st February.

Sederunt—REX; Cancellarius; Angus; Cassillis; Mar; Uchiltrie; Fyvie; Thesaurarius; Secretarius; Blantyre; Kinlos; Clericus Registri; Computorum Rotulator; Cesfurd; Advocatus; Elimosinarius. Page 237.

Acta 1598-1601.

Complaint by David Dundas of Preistisinche, as follows:—Upon 21st January last, Robert Mowbray in Dummane, and Alexander Mowbray, *alias* Gentill Sanderis, with their accomplices, all armed with Jedburgh staffs, swords, pistolets, and other weapons, came at the break of day to the dwelling house of Thomas Johnnestoun in , the complainer's tenant, and there, after giving him "mony bauch straikis," passed to his barns, violently broke up the doors, and reft seven bags of "clein dicht quheit," containing nine bolls of wheat, which they compelled the said tenant to carry upon his horses to the place of Barnebougall. Farther, the said persons threaten not only to deprive the said tenant of his whole corns and goods, but also to lay the said complainer's lands waste; and they are rebels and common oppressors of the poor people of the country thereabouts, continuing more boldly in their oppression because they are resetted in the place of Barnebougall.—The complainer appearing personally, the said defenders, for failing to appear, are to be denounced rebels.

To denounce Robert and Alexander Mowbray, for not appearing to a charge of assault and spuilyie.

Page 238.

Action at the instance of Johnne, Earl of Gowry, liar, and Dame Dorathie Stewart, Countess of Gowry, liferenter of the lands and barony of Cowgask, lying within the stewartry of Stratharne, against Patrik, Lord Drummond, as steward principal of Stratharne, and chief of the clan of Drummond, and against James, Commendator of Incheaffray, as steward depute of the said stewartry, for the entry before the King and Council of Johnne Drummond, sometime in the Drumend of Clithie, rebel, to answer a complaint by the said Earl and Countess touching "certane pointis of oppressioun" committed by him upon their tenants and servants, as stated in the letters dated 27th December last.—The pursuers appearing by Mr. Alexander Kinros and the defenders by Johnne Drummond, and the latter having alleged that Lord Drummond is not bound to enter the said rebel, because he is not Lord Drummond's man, and does not dwell upon his lands, and Kinros having maintained the contrary, on the ground that since the first charge given to the said Lord, that is, on 23rd July 1597, the said Drummond of Clithie has been resettèd in the said Lord Drummond's places of Drymmen and Stobhall at divers times, the King and Council find this point of the libel relevant, assign the penult day of February to the pursuers for proving the same, and ordain letters to issue summoning such witnesses as shall be used for the proof.

The Earl and Countess of Gowrie against Lord Drummond for resetting a rebel.

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Page 240.

Complaint by Williame Strauchane, messenger, as follows:—Letters of horning have been directed against him at the instance of Andro Meldrum of Rothiebirsbane for his non-appearance before the King and Council to answer a complaint by the said Andro that he had been in company of George Meldrum, younger of Drumbrek, and concerned in wounding the said Andro, taking him prisoner, and keeping him till "he, upoun sum informatioun that his murthour wes divisit, eschaipit, and sua delyverit himselff of that perrell" (*ante* p. 51). Now, the said letters of horning had been wrongously decerned against him, because he had never been lawfully charged to appear, and had received no intimation of the intended horning. Had he been lawfully charged, he would have appeared and

Suspension of horning against William Strachan, messenger.

proved his innocence; "for trew it is that he had nevir onything to do with the said Andro, bot at that tyme onlie, being employed in the executioun of certane letters, and of a commissioun proceiding upoun sum horningis execute aganis the said Andro." To show that he does not fear trial, he had found caution in 200 merks for his compearance to that effect upon 31st January last. He prays therefore that the letters of horning be suspended.—The complainer appearing personally, but the said Andro failing to appear, the King and Council do suspend the said letters. Acta 1598-1601. Page 241.

To denounce William Sharp for not appearing to a charge of assault.

Complaint by Lawrence Merser of Newtoun that, upon 3rd December last, Williame Scharpe at the mill in the Hoill of Kippen, with his accomplices, armed with swords, pistolets, and other weapons, came to the complainer's lands of Clivage, and there "maist schamefullie, cruellie, and unhonnestlie" attacked his tenant Charles Reid, discharged pistolets at him, and would have slain him but for the "providence of God and his awne bettir defens."—The complainer appearing by Williame Ruthven, his procurator, Scharpe, failing to appear, is to be denounced rebel.

Action by the Commendator of Soulseat and others against the Earl of Angus, as lieutenant on the Borders.

Action at the instance of Johnne, Commendator of Saulsett, Simone Johnnestoun, his brother, and Johnne Johnnestoun, student, their assignee, setting forth that they have heritably the lands of Currance and one half of the lands of Over Garvald, lying in the parish of Garvald and shire of Drumfreis, and that they and their predecessors have been in peaceable possession of the same past the memory of man, till 7th November 1598, when Simone Johnnestoun, brother natural of the Laird of Johnnestoun, accompanied by Adame Johnnestoun in Hisliebray, James Johnnestoun, son natural of David Johnnestoun in Nether Garwald, Johnne Johnnestoun, called Bulholme, Robert Johnnestoun in Langsyde, James Forrest in Bray, Robert Noteman, all servitors to the said Laird, James Johnnestoun of Hisliebray, Johnne Johnnestoun in Dubbis, his brother, Williame Johnnestoun, his son, and Niniane Johnnestoun in Rowintrieknow, all rebels for the murder of the late Mr. Williame Johnnestoun, minister, came to the fortalice of Currance and most wrongously ejected furth thereof the complainers' tenants, viz., Andro Johnnestoun, Cuthbert Johnnestoun, and Johnne Sitlingtoun, intruded themselves therein, and spuilyied the following goods, viz., 7 cows at £20 each, 44 ewes at 50s. each, 2 horses at £20 each, 40 bolls of oats at £10 per boll with fodder, 200 cartfuls of hay at 20s. per cartful, 200 loads of peats and turfs at 6s. 8d. each, and the insight and moveables of the said place, worth £100. Whereupon the complainers having "meanit thame" to his Majesty, and having obtained charges against the said Laird of Johnnestoun for entry of the persons above written, he for his disobedience is denounced rebel. Nevertheless, the said rebels withhold from the complainers the said place, lands, and goods, and will make no redress, unless Williame, Earl of Angus, lieutenant, within whose bounds the said persons dwell and the said "fact wes committit," be burdened within their entry.—Simone Johnnestoun appearing for himself and the other pursuers, and the said Earl being also present, the King and Council remit the spuilyie above libelled to the lieutenant or warden Page 242. Page 243.

Acta 1598–601. court for trial, and decern the said Earl to repossess and enter the said pursuers in the lands and place abovewritten by the last day of February instant.

Page 245. The Commissioners of Burghs having in their last Convention at Linlithqu in the month of last, without warrant or authority, made an Act forbidding the exporting of wool under a penalty of 500 merks, thus not only usurping the royal authority in passing laws, but prejudging his Majesty in his customs,—"seing for feir of the said Act the merchantis hes foirborne to transporte ony woll,"—his Majesty now, with Page 246. advice of his Council, annuls and discharges the said pretended Act, and also, with advice of Alexander, Master of Elphingstoun, treasurer, and Sir David Murray of Gospertie, comptroller, gives licence to all merchants to export wool and linen cloth, and to import all sorts of English cloth and merchandise, the said merchants paying the due custom on the said goods, conform to the A, B, C act of exchequer. This present licence to endure till 1st December next, and letters to be directed for publication hereof at the market crosses of the head burghs.

Holyrood-house, 5th February. Discharge of an Act of the Commissioners of Burghs against the export of wool, with licence to export wool and linen, and import English cloth.

Page 243. Johnne, Lord Flemyng, having entered Richie Batie, pledge, before his Majesty, and having by his Majesty's direction delivered him to Sir Page 244. Johnne Carmichaell of that Ilk, warden of the West March, the said Sir Johnne promises to enter the said pledge before the King and Council upon 12th instant, to answer to the complaint made by the Laird of Powmoid against him and certain others for whom he lies pledge.

Holyrood-house, 7th February. Act anent Richie Batie, pledge.

Sederunt—Rex; Cancellarius; Cassillis; Mar; Uchiltrie; Fyvie; Thesaurarius; Blantyre; Secretarius; Dunkeld; Kinlos; Custos Secreti Sigilli; Collector; Computorum Rotulator; Clericus Justiciarie; Clericus Registri; Advocatus; Tracquair; Carmichaell; Elimosinarius.

Holyrood-house, 12th February.

In consideration of the "monyfauld indigniteis fra tyme to tyme done to his Majestie be a nowmer of irreverent and undewtifull subjectis, quha, to the contempt and dishonnour of his Majestie, makis frequent tuilyeis and seikis the commoditie to revenge thair particular querrelis within the burgh of Edinburgh and the Cannogait, and in divers utheris partis ewest to the place of his Hienes residence, not spairing sumtyme in his Hienes awne presence and at his Majesteis back to use thair privat revenge, to the hasarde and perrelling oftymes of his Hienes maist noble persone; lyke as thair is divers personis that, under pretens of thair awne defens, repairis and resortis within his Majesteis palace, furnist and armeit with jakis, secreittis, and corslettis undir thair doublettis and coittis, quhairupoun it is to be feirit that certane evill disposit personis, under cullour of thair awne defens, may attempt sum interprise aganis his Majestie or domestickis":—it is ordained that no person, of whatever state or quality,

Act against "tuilyeis" within a mile of the King's residence.

may hereafter invade or pursue any of the lieges within a mile of the King's residence for the time, or repair within his Majesty's palaces, or any other place of his residence, armed in manner above written, under pain of being apprehended and warded for year and day, and farther till the contraveners "fyne and aggrie" with his Majesty for their liberty. Letters of publication to be directed hereupon. Acta 1598-1601. Page 245.

Warrant to Mr. George Young, anent certain Border bills.

Order to Mr. George Young, archdeacon of Sanctandrois, to deliver to Sir Thomas Erskin of Gogar, gentleman of his Majesty's chamber, the "principal bill of Cannabie fylit be the Englische commissioneris to thair opposite commissioneris of Scotland at thair lait meiting in Carlile in 1598, togidder with the auttentik extract of the uther great bill of Cannabie fylit lykwise be the Englische commissioneris to thair opposite commissioneris of Scotland for the tyme at Beruick in , to be useit be him as his proper, and dewlie pertening to him be richt of escheat and executrie to umquhill Andro, Commendator of Jedburgh."

Holyrood-house, 14th February.

Sederunt—Cancellarius; Cassillis; Levingstoun; Uchiltrie; Fyvie; Thesaurarius; Secretarius; Blantyre; Kinlos; Collector; Advocatus; Comptroller; Traquair; Carmichaell. Sederunt, Fol. 17, b.

Alexander M°Kieson, vicar of Inverurie and Monikie, against the presbyteries of Garioch and Mar.

Complaint of Alexander M°Kiesoun, vicar at the kirks of Inverurie and Monkegie, as follows:—He is lawfully provided to the vicarage of the said kirks during his lifetime by his Majesty's letters of gift, and has been "lawfullie awthorizit, ressavit, and admittit thairto be the Kirk for service of the cure at the saidis kirkis." He has for thirty years "servit thairat, sumtyme reiding and sumtyme precheing," and has been resident at the same during that time "without ony blame or sclander." Yet the presbyteries of Garrioch and Mar,—for what cause the complainer knows not, but "onely of verie malice," he having not been deprived and there being no process depending against him,—have lately, by their precepts to Mr. Johnne Forbes and Mr. Walter Abercrombie, moderators of the same, caused charge the complainer to demit the said vicarage in favour of Mr. , lately admitted by them as minister of the said kirks, under pain of excommunication, "and sua to wrack him for evir, he being ane ageit man." He pleads that, till trial be taken by the King and Council in the premisses, the said presbyteries ought to be discharged of all farther proceeding against him in that matter.—The pursuer appearing by Johnne M°Kiesoun, his son and procurator, but the ministers of the said presbyteries failing to appear, the King and Council discharge the said ministers of all farther proceeding against the complainer in the said matter till the foresaid precept be produced. Acta, p. 246. Page 247.

Holyrood-house, 17th February. Entry of Mac-Gregor of Glenstrae.

Sir Johnne Murray of Tullibardin having entered before his Majesty Allaster M°Gregour of Glenstra, according to the act of caution to that effect by him and James, Commendator of Incheffray, the King exonerates Murray of all farther keeping of the said M°Gregour (*ante* pp. 20, 72). Page 248.

Acta 1598-1601.

Sederunt—Rex; Lennox; Cancellarius; Cassillis; Mar; Uchiltrie; Fyvie; Blantyre; Thesaurarius; Secretarius; Collector; Clericus Registri; Advocatus; Computorum Rotulator; Clericus Justiciarie; Custos Secreti Sigilli; Kinlos; Cesfurde; Elimosinarius. Holyrood-house, 19th February.

To denounce Sinclair of Whitekirk for not appearing to a charge of outrageous behaviour in his parish church.

Complaint by Mr. Johnne Forrest, minister at Quhytkirk, as follows:—Upon Sunday 10th instant, while he was "teicheing in pulpett within the said kirk to his parrochynnaris convenit thair for the tyme," Henry Sinclair of Quhytkirk, armed with a whinger, sword, and pistolets, "maist irreverentlie, to the offens of God and contempt of his Majestie, without respect of the tyme or place, impugnit the said minister in his sermone, uttering maist outragious and injurious speicheis aganis him in presence of the haill congregatioun, calling him knaif, and that he wes oute of purpois; and, eftir the sermone wes endit and the said complenar cum oute of pulpett, desiring to putt the almous silver collectit that day in the box according to the accustomat maner, the said Henry Sinclar preist to have the key of the said box; quhilk being denyit to him, he maist maliciouslie and cruellie drew ane quhinzear and thocht to have cassin the same at the said complenar, and at last straik at him thairwith; and, in end, he being removeit furth of the kirk and the dur steikit upoun the said Henry and the haill congregatioun, he presentit bendit pistollettis at the people; quhilkis pistolettis with ane drawne quhinzear being tane fra him, he thaireftir tuke ane drawne sword fra his servand, and, rynning throw the kirk thairwith, cheist and persewit sum of the parrochynnaris, and had not faillit to have done sum mischeif wer not be the providence of God he wes stayed: the lyke of the quhilk insolent and ungodlie forme of doing hes sendill bene hard of, the example quhairof being sua rair and preparative sa dangerous, the impunitie thairof may breid na small inconvenientis heireftir."—The complainer appearing personally, the defender, for not appearing, is to be denounced rebel.

age 249.

Thomas Alexander against the Countess of Argyle for wrongful arrest and imprisonment.

Complaint by Thomas Alexander of Balruidy, as follows:—Dame Agnes Douglas, Countess of Ergyle, "haveing consavit ane haitrent and malice aganis the said complenar causles," had upon 8th January last apprehended him and committed him to ward in the castle of Campbell, where he is still detained by her direction, he having been guilty of no crime, and she having no power to take him.—The complainer appearing by James Stirling, his procurator, and Mr. Johnne Archibald, captain of the said castle, appearing for himself and for the said Lady, and the said captain having alleged that they should not be required to produce the complainer as charged, because he was apprehended for sheep-stealing and the "fang" was found with him, and the delay in his trial had proceeded from the "disease and seiknes" of the bailie of the lordship and barony of Campbell, the King and Councill ordain the defenders to put the pursuer to the knowledge of an assize for the crimes foresaid.

age 250.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis

Act exonerating the noblemen and gentlemen of Kyle and Carrick from all necessity of attending "oistis and raidis" at the mere summons of the Earl of Angus, as lieutenant of the West March.

of Secreit Counsall be the nobilmen, barronis, gentilmen, and utheris, his Majesteis subjectis, within the boundis of Kyll and Carrik, makand mentioun that quhair Williame, Erll of Angus, lieutenant and wardane of the West Marche, under cullour of his commissioun of lieutennandrie, hes be his awne proclamationis causit charge the saidis complenaris to convene and meit with him at sindrie oistis and raidis appointit and proclameit be him within the boundis of the said wardenrie, and at last purchest his Majesteis awne proclamatioun aganis thame, and appointed his raid to the tuentie tua of September last, being in the verie meane tyme of thair harvest, intending thairby to draw thame under a yoke and servitude quhairwith nane of thair predicessouris wer nevir heirtofoir burdynit; albeit it be of veritie, as is notour to his Majestie and the saidis Lordis, that the cuntreyis Kyll and Carrik ar na parte of the west wardanrie, and the wardanis and officiaris of that cuntrey had nevir na authoritie nor jurisdictioun over thame, and thay wer nevir in use to ryse to ony oistis or raidis in thay partis, bot at sic tymes as thair wes a oppin and avowed rebellioun professit aganis his Majestie, and that his Hienes in persone, or be ane lieutennent appointed for suppressing of that rebellioun, went in propir persone, and that the haill rest of the cuntrey besouth Forth wer lykwayis under proclamatioun; at quhilkis tymes thay have evir schawne thameselffis als fordwart and reddy as ony utheris in the cuntrey, as his Hienes fra tyme to tyme hes had pruif, and sal have the lyke pruif quhenevir the lyke occasioun beis presentit. And forder thair wes na grite necessitie of thair convening to the said last raid, and the lieutennent had na actioun then in handis, bot that quhilk propirlie belangit to his office of wardanrie, the executioun quhairof micht have bene dischargeit with a fewar nowmer nor the ordiner force of the wardanrie. Humelie desiring thairfoir that thay micht be fred, exonerit, and relevit of the said lieutennandrie and wardanrie, and of all sic proclamationis and chargeis in tyme cuming, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considerit be his Majestie and the saidis Lordis, and thay thairwith being wele advisit, the Kingis Majestie and Lordis of Secreit Counsall thairfoir declairis the saidis complenaris to be fred and exonerit of the said lieutennandrie and wardanrie, and that thay salbe onlie subject to obay his Majesteis awne proclamatioun, to be directit be his Hienes and Secreit Counsall quhen thay sall find ane necessitie to command and charge thame with the rest of thair nichtbour cuntreyis, according to the ancient custum useit of befoir,—dischargeing the saidis lieutennentis and wardanis of directing of ony proclamationis or chargeis aganis the saidis complenaris, and of thair officeis in that parte." Acta 1598–1601. Page 251.

Act in favour of Murray of of Tullibardine and the Commendator of Inchaffray in the matter of the entry of MacGregor of Glenstrae.

Supplication by James, Commendator of Incheaffray, and Sir Johnne Murray of Tullibardin:—At the desire of Allaster M°Gregour of Glenstrae, they had become cautioners for the entry of him, with Johnne Dow M°Ewne, pledge, before the King and Council, and for their non-entry of the said persons decree had been given against them (*ante* p. 72). They have now, however, entered the said Allaster (*ante* p. 78); and,

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seeing the default of his non-entry with the said pledge on the day appointed was not with the complainers, but "proceidit upoun sum occasionis quhilkis intervenit and fell oute befoir the day of his entrie quhilkis discourageit and terrifeit him to keip the first dyet," they humbly desire exoneration and remission.—The King and Council now accept the entry of the said Allaster as full obedience to the act of caution given by the complainers, and so exoner them, and annul and rescind the said decree given against them.

Inhabitants of Leith against the provost and bailies of Edinburgh, in the matter of the right to purchase foreign victual or bargain with strangers bringing the same into Scottish ports.

Complaint by the maltmen and other inhabitants of Leyth, as follows: —"Thair being ane bark of England laidnit with beir laitlie arryveit within thair porte and heavin, the mercheandis of the same being strangearis, and, baith be ressoun of thair uther adois as that conveni-entlie thay micht not stay in this cuntrey ony lang space without grite coistis, chargeis, and expenssis, thay thairfoir entirit in pactioun with sum of the saidis inhabitantis of Leyth for the price of the beir being in the said bark. According to the quhilk, present securitie and mutuall contract wes past betuix the saidis pairteis, the strangear sellar of the said victuall and thair saidis nichbouris alsua in that aggreance haveing done nathing quhilk justlie micht have bene quarrellit or challengeit be ony man. Nochtwithstanding quhairof, the provest, bailleis, and counsall of the burgh of Edinburgh, be thair officiar, causit charge the said mercheant strangear, imbringar of the said victuall, and the saidis nichtbouris, blokaris with him thairanent, to compeir befoir thame and thair counsall upoun Wednisday last, the threttene of Februare instant: quhair, be expres commandiment gevin be thame to the saidis complenaris nichtbouris, thay wer dischargeit of all bloiking or bying of foreyne victuall ather alreddie imbrocht or quhilk heireftir at ony tyme sould cum within the said porte or heavin of Leyth; and als dischargeit the said strangear that he sould

e 253.

sell to thair saidis nichtbouris, or ony utheris inhabitantis within the said toun of Leyth, the said victuall or ony parte thairof; and hes be ane of thair bailleis violentlie intromettit with the said victuall and coft the samyn oute of the strangearis hand, the samyn being of befoir lawfullie sauld and ane contract subscryvit betuix the strangear and certane nychtbouris of Leyth thairanent. Quhairin, as the saidis complenaris doutis not bot his Majestie and the saidis Lordis easilie persaveis the grite hurt, prejudice and detriment that is socht heirby to the haill commounwelth (thair particular lose in that mater not being worthie to be regairdit), thair being of na esteate within the cuntrey fra the hiest to the lawest bot sall in sum measour be indomageit thairby. For it is of treuth that na fredome hes bene acclameit in ony parte be ony persone to by victuall, bot all personis indifferentlie hes had alyke libertie in bying thairof in ane frie porte and commoun mercat, the necessitie of the samyn for the sustentatioun of thair lyves being alyke commoun to thame all, quhair, as in this particular the said burgh of Edinburgh upoun thair title of superioritie wald ascryve this benefite to thameselffis, sua the inhabitantis within thair toun sould not have the libertie to provyde thameselffis of

victuall and other viveris without the samyn wer socht fra thame, and thairfoir to trall thair lyves in ane maner to thame, and to seclude thame frome all interteneyment bot that quhilk salbe acquireit of thame; quhairas the saidis complenaris assuiredlie hoipis that, as his Hienes is thair lawfull borne Soverane, haveing the lyke commandiment of thame baith, sua his Majestie on nawise will within his awne dominioun suffer ony of his awne subjectis sua fer to oppres utheris as that, passing the boundis of modestie, thay will impois that upoun the saidis complenaris quhilk his Majestie wald be verie laith to burdyn ony of his subjectis with; and thay think his Hienes in this mater is ferest interest, it not being possible that ony sic commandiment may be gevin lawfullie be the said burgh of Edinburgh without expres dirogatioun and prejudice to his Hienes croun, authoritie and obedience. And, as thay ar to endevoir thamselffis to gif that sufficient pruif and testimony of thair continewall and dewtifull obedience to his Majestie quhilk becumis subjectis to ane lawfull prince, sua we dout not bot his Majestie will have regaird of his awne honnour and estait of this mater, and that na sic preparative be begun aganis thame, quhilk may breid innumerable inconvenientis to ensew and follow furth heireftir thairupoun. And, albeit the discharge be bot gevin of foreyne victuall, yit it may be easilie persaveit that the lyke cours is to be tane be thame of all sic victuall that salbe brocht within the said porte fra ony parte of this realme heireftir; and how fer that sall tend to everie nobilman and uther gentilmenis wrackis and prejudice experience sall schortlie gif pruif gif this be not preventit, and how fer the haill commonis and puir anes of the cuntrey salbe dampnifeit, quha, be the imbrocht victuall to the porte and heavyn of Leyth, ar for the maist all the sommer tyme interteneyit, and gif this tak effect sall not have the lyke libertie to furneis thameselffis at the handis of the imbringar, bot salbe constraynit to by the samyn at the handis of the secund or thrid byare, being ane mercheant of Edinburgh, for ane dowbill caus, quha will caus girnell the samyn, and will nawise sell na parte thairof without extraordinar and godles gayne, as in the lait yeiris of derth wes fund to be ouer mekle useit,—quhilk gif it be not accomptit to be regrateing and forstalling thay can hardlie judge that ony salbe fund culpable of the cryme."—Charge had been given to Alexander, Lord of Fyvie, provost, Williame Mawll, Thomas Fischear, and Richart Dobie, bailies of Edinburgh, to appear this day to answer to the said complaint; and now, the pursuers appearing by Johnne Bellenden and David Duff, their procurators, and the said defenders appearing personally, the King and Council remit the said matter for decision to the Lords of Council and Session.

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Act concerning disputed rights of office between the Treasurer and the Comptroller.

Having considered the question between Alexander, Master of Elphingstoun, treasurer, on the one part, and Sir David Murray of Gospartie, comptroller, on the other part, touching the right to subscribe licences for exporting forbidden goods, alleged by either to pertain to his own office, and also touching a commission of justiciary granted by his

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Majesty, with advice of the said comptroller, to Johnne Robertsone and Robert Arnote against regraters and forestallers, dated 21st December last, the King and Council discharge and annul the said commission and remit the question anent the licence for exporting forbidden goods to be decided by the persons already nominated by both the said parties for this matter.

To denounce John and Alexander Borthwick, for not appearing to a charge of having sent a challenge to Sinclair of Roslin.

Charge having been given to Williame Sinclair of Roisling, on the one part, and to Williame Borthuik, tutor of Borthuik, brother of the late James, Lord Borthuik, with Johnne and Alexander Borthuikis, his brothers, on the other part, to appear before the Council this day to answer "anent the mutuall directing of cartallis and wrytingis be ather of the saidis pairteis to utheris," and to have seen "ordour tane how all eleist and contraversie standing betuix the saidis personis micht be removeit," and Sinclair of Roisling appearing personally, and having produced a cartel directed to him subscribed by the said Johnne Borthuik, and the said tutor, who is also present, having "be his aith purgeit himselff of ony knawlege of the wryteing of the said cartall," but the said Johnne and Alexander having failed to appear, the two last are to be denounced rebels.

lerunt,
. 17, b.

Edinburgh, 21st February.

Sederunt—REGE PRESENTE—Cancellarius; Mar; Levingstoun; Fyvie; Neubottle; Thesaurarius; Blantyre; Kinlos; Clericus Justiciarie; Collector; Advocatus; Comptroller; Privy Seal; Clericus Registri; Spott; Elimosinarius.

ta, p. 255.
ge 256.

Feud between the Lundies of that Ilk and Gorthie and Murray of Balvaird submitted to arbitration.

Johnne Lundy of that Ilk and Mr. George Lundy of Gorthie, on the one part, and Andro Murray of Balvaird, on the other part, appearing before the King and Council as charged, submit all feuds standing between them, with the assythement and satisfaction which shall be made for "slauchteris and bluidis hinc inde," and also all actions and causes which either has to propone against the other, to Sir Michaell Balfour of Burlie, Boiswall of Balmuto, Arthour Forbes of Reres, and David Kynnynmonth of Craighall, or any three of them, as arbiters chosen for the Lairds of Lundy and Gorthie, and to Sir Johnne Murray of Tullibardin, Murray of Blakbarony, Balfour of Montquhany, and Sir David Murray of Gospartie, comptroller, or any three of them, as arbiters chosen for the Laird of Balvaird, "to be amicablie composit, aggreit, and packit up" by the said judges as they shall think expedient: said arbiters, if they cannot agree among themselves, to have power to choose an oversman. The said parties are to cause their said judges to meet at Couper upon 27th instant, and shall there give in to them their "clames and greiffis"; and they also become bound to fulfil whatever the said judges shall pronounce as their judgment.

Charge to certain Maxwells to submit their feud with the Johnstones to arbitration.

The chief cause of the "grite misreule" on the West March being the feud between the surnames of Maxuell and Johnnestoun, and his Majesty "being cairfull to have the ground and originall of this disordour removed, that anes that cuntrey may be setled," there is order to charge Sir Robert

Maxuell of Spottis, Archibald Maxuell of Cowhill, Eduard Maxuell of the Hillis, Johnne Maxuell of Conhaith, Harbert Maxuell of Cavens, Robert Maxwell of Dynwiddie, James Maxuell of Portrak, Alexander Maxuell of Balgreddane, Eduard Maxuell of Tynwall, William Maxuell, his son, Sir James Maxuell of Calderwode, Maxuell of Newwerk, Maxuell of Pollok, Eduard Maxuell of the Ile, to appear before the King and Council at Haliruidhous upon 6th March next, prepared to submit the feud standing between them and the Johnnestonis to neutral friends to be nominated by them, according to an Act of the Estates, under pain of rebellion. Acta 1598–1601. Page 257.

Holyrood-house, 26th February.

Sederunt—Cancellarius; Cassillis; Mar; Neubotle; Blantyre; Thesaurarius; Secretarius; Clericus Registri; Clericus Justiciarie; Collector; Murdocairny; Tracquair; Elimosinarius.

Charge to the Gordons of Lochinvar and Kennedy of Bargany to give mutual assurances.

The King and Council, for the better keeping of the peace, ordain letters to be directed charging Sir Johnne Gordoun of Lochinvar and Sir Robert Gordoun, apparent thereof, on the one part, and Gilbert Kennedy of Bargany, on the other part, to subscribe such form of assurance as shall be presented to them, marked by the Clerk of Council, to endure till 1st January next, and to find sureties, either party in 10,000 merks, "for observatioun thairof unviolat," within six days after the charge, under pain of rebellion. Neither party to hold court at Lochryen or thereabout till order be taken for removing the variance between them anent the right claimed by both to the holding of the said court.

To denounce Andrew Taylor for not appearing to a charge of assault.

Complaint by George Monro of Mekle Tarrell that, in November last, while Finla M^{c}nicheill in Mekle Kindeis, his tenant, was "passing oute the hieway" at Culdirriry, Andro Tailyeour in Culdirriry "maist cruellie umbeset and persewit the said Finla of his lyff," wounding him upon the head with swords and batons.—The pursuer appearing personally, the defender, for not appearing, is to be denounced rebel. Page 258.

To denounce Torquil M^{c}Leod of the Lewis and certain of his men.

Complaint by George Monro of Mekle Tarrell that, upon 15th June last, Johnne Balloch M^{c}William Dow M^{c}Cleude, Johnne M^{c}Murchy Namry, Donald Mill M^{c}Williame Yow, his brother, Hucheoun Breiff, Allane Breiff, all household men of Torquill M^{c}Cleude of the Lewis, by his special direction, came at night to the complainer's lands of Turny, and there threatened and "dang" his tenants, and spuilyied from him and them 21 "pece of hors and meris."—The complainer appearing personally, the said Torquill and the rest, for not appearing, are all to be denounced rebels. Page 259.

Blair of Bruston against Sir John Ogilvy and others for illegal and violent proceedings.

Action at the instance of James Blair of Brustoun, as follows:—In the possession of the lands of Brustoun, belonging to him heritably, and of the lands of Balgirsho, pertaining to him in tack, he is "maist havilie" troubled and oppressed by Sir Johnne Ogilvy of the Craig, who intends by way of "bangastrie" to debar him therefrom. For this effect Ogilvy had "steirit" up the complainer's tenants of the lands of Brustoun to

Acta 1598–1601.

"misknawlege him" and to withhold from him his maills and duties, so that he had been forced to pursue for the same before the commissary of Dunkeld. Decree had been given in his favour, and upon the commissary's precept he had "arreisted" the whole corns of the said tenants growing upon the said lands, together with their bestial and goods, when the said Sir Johnne, "to the contempt of his Majestie," broke the said arrestment, "cawsit the saidis tennentis to leve the saidis landis, and hes dischargeit all personis of taking thairof, sua that nane dar tak the saidis landis, bot the samyn lyis waist." Again, in November 1597, the said Sir

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Johnne and James Ogilvy in Boigsyde, Laurence Burne, Patrik Guthrie, Robert Gibsoun, his servants, Williame Futhie, Johnne Jamiesoun, James Irnis, in Pargavie, Thomas Masone, Thomas Bruce there, Johnne Gibsoun, David Ogilvy, Johnne Smyth, Thomas Gibsone, George Creychtoun, Thomas Smyth, in Over Craig, James Sanderis in Elycht, with convocation of the lieges, all armed with hagbuts and pistolets, came by way of hamesucken to the complainer's dwelling house of Bruistoun, and there cut down and destroyed "certane treis, policie, and planting of his yaird," spuilyied his corns and turfs, demolished his houses, threatened his wife, "and swa terrifeit hir that schortlie thaireftir scho pairtit with bairne; lykeas continewallie sensyne and as yit scho lyis bedfast in grite perrell of hir lyffe, and is not liklie to convalesce."—The pursuer appearing personally, and the said Sir Johnne and Lawrence Burne being also present, but none of the other defenders appearing, the Lords of Secret Council assign the 13th March next to the pursuer for proving his case

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against Sir Johnne and Burne, and ordain the others to be denounced rebels.

Assignation by the King of the "grit bill of Falkland" to Secretary Elphinstone in recognition of his services.

His Majesty, having respect to the "honorabill and panefull service done daylie to his Hienes" by Sir James Elphingstoun of Barnetoun, his secretary, "alswele in Sessioun and Secreit Counsall as in all uther wechtiest effairis of his estate and croun," has given and assigned to him all right and interest which his Highness has in the "grit bill of Falkland fylit be the Englische commissioneris to thair opposite commissioneris of Scotland at thair last meiting in Carlile," with power to him to crave the same from any person "addettit thairin according to the lawis of Mercheis"; for whose better security of the said grant and assignatioun his Highness ordains Mr. George Young, archdeacon of Sanctandrois, one of his Majesty's commissioners for the time, in whose hands the principal bill filed by the English commissioners now is, to deliver the same to the said Secretary to the effect foresaid.

Act for precautions against certain evasions of the payment of customs on goods imported and exported.

Understanding the "grite lossis sustenit be his Hienes in tyme bigane in the dew payment of his Majesteis customes throw defraude of sum skipparis and awneris of schippis arryvand within this realme, quha, pairtlie for plesour of the mercheantis and for sum proffite to redound to thameselffis, privatlie in the nicht seasoun lossis ane parte of the mer-

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cheandice being within the same schippis in unfrie harbreis and portis, quhair thay knaw na customeris ar appointit, befoir thay cum to the frie

port quhair thay ar frauchted; as lykwise sindrie skipperis and awneris of schippis passand oute of this realme, eftir thay have gevin up thair entres and ressavit thair cocquett, thair schippis being convoyit oute of the harbrie to the oppin raidis, useis privatly in the nicht seasoun to ressave within thair schippis and utheris veschellis forbiddin and uncustomat guidis, in plane defraude of his Hienes customes": for remedy, the King, with advice of the Council and auditors of the Exchequer, ordains letters to be directed discharging, by open proclamation at the market crosses of the head burghs, all and sundry masters, skippers, owners, clerks, and mariners of ships arriving in or passing out of this realm, to take within their ships, after they have given up their entries and received their cocket, any merchandise to be exported, or to put out of their ships, coming within this kingdom, any part of their cargo till they arrive at the free port to which they are freighted and give up their entries to the customers, under the pain of £100 to be paid by the skipper of the offending ship, £100 by the master and owner, and £100 by the clerk and mariners. There is command also to the said masters, etc., upon their oath of fidelity, to give up to the said customers within six hours after the charge, under pain of rebellion, the entries of the whole goods imported or to be exported in their ship, and the names of the owners thereof, with assurance that they have unladened no part of the same before, and that they shall receive no geir "within schipburde thaireftir to be transportit oute of this realme at that voyage"; and, the said entries being given up, there is to be charge to the owners of the said merchandise, coming within this realm, to give up to the customers, upon their oath of fidelity, an inventory of the quantity and sorts of goods brought home by them, and to make payment of the due custom of the said goods within 12 hours after the charge, under pain of rebellion. In like manner, the owners of the goods to be exported are to pay the custom due for the same, as said is, and the owners of goods to be brought within this realm by land from England are to make payment of the custom due for the same, under the said penalty.

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Edinburgh, 28th February (penult).

Sederunt—Cancellarius; Cassillis; Mar; Levingstoun; Newbotle; Fyvie; Thesaurarius; Secretarius; Blantyre; Murdocairny; Kinlos; Advocatus; Dunkeld; Clericus Justiciarie; Custos Secreti Sigilli; Tracquair; Clericus Registri; Elimosinarius.

Continuation of action by the Earl and Countess of Gowrie against Lord Drummond.

The Lords, with consent of Mr. Alexander Kinros, procurator for Johnne, Earl of Gowry, and Dame Dorathie Stewart, Countess of Gowry, and of Williame Drummond of Pitcairnis, procurator for Patrik, Lord Drummond, continue the action pursued by the said earl and countess against the said lord to 22nd May next.

Proclamation against all hunting within four miles of

His Majesty being "myndit, God willing, to repair schortlie to the burrowis of Perth, Dundie, and Montrois, and to mak his residence thair, and in sum utheris partis thairaboute, a certane space, for doing of sindrie

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effairis appointit to be treated on in these placeis, and seing occasioun will sumtymes present to his Majestie to visite the feildis and tak his pastyme in hunting for his bettir recreatioun the tyme of his Majesteis thair being, and willing thairfoir that in the meantyme, quhill his Hienes cuming to the saidis partis, all utheris forbeir to use ony hunting within ony parte ewest thairunto, quhairthrow his Majestie be not frustrat of the contentment and plesour of his Hienes pastymes and huntingis," there is order to charge the lieges, by open proclamation at the market crosses of Perth, Dundie, and Monros, not to hunt within four miles of the said burghs till his Highness shall remove furth of the bounds of Angus and Perthshire, under pain of incurring the King's wrath and of being punished as "contempnaris and violateris" of this proclamation.

Perth, Dundee, or Montrose, in view of his Majesty's intended visit to those parts and expected recreation in hunting during his stay there.

Sederunt—Rex; Dux; Cancellarius; Angus; Mar; Cassillis; Fyvie; Neubotle; Dunkeld; Kinlos; Blantyre; Secretarius; Cesfurde; Tracquair; Murdocairny; Custos Secreti Sigilli; Clericus Registri; Clericus Justiciarie; Collector; Computorum Rotulator; Advocatus; Elimosinarius.

Holyroodhouse, 4th March.

Complaint by Williame Pittulloch in Maidlinis and Walter Kynnaird there, that Johnne Galt M^cGregour in Cannoquhan, with his accomplices, came at night upon 24th September 1594 to the said lands of Maidlinis, and stole furth thereof nine oxen and five cows belonging to the complainers, so that ever since they have "lyne furth of thair geir, and thairby ar alluterly wrackeit, and wilbe forceit to leve the cuntrey and suffer thair wyffis and bairnis to beg thair meit," unless the King and Council, "moveit with pitie and compassioun upoun thame," provide remedy.—Kynnaird appearing for himself and Pittulloch, but Johnne Galt M^cGregour failing to appear, the order is to denounce him rebel.

To denounce John Galt MacGregor for not appearing to a charge of cattle-stealing.

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Charge had been given to Sir Robert Gordoun, apparent of Lochinvar, to appear and answer for coming to the house of the Chappell at the Lochheid of Lochryane in Galloway, armed with hagbuts and pistolets, and for "leddering the barnekin" of the said place at night, surprising the same, removing of Johnne Kennedie in Chappell, his wife and bairns, furth thereof, and victualling and keeping the said place as a house of war for ten or twelve days; also, for convocating the lieges in arms and coming to the said place, and there holding a court on the said lands, and at that same time slaying with the "schoit of ane hacquebute af the housheid." Thereafter he and his accomplices had compelled the said Johnne Kennedy to receive back the said place by many threatenings, "as namely with the burning of his house and distroying of his evidentis," and "causit him sweir and promeis that he sould never complene."—And now, Mr. Thomas Hammiltoun of Drumcairne, King's advocate, appearing for his Majesty's interest, and the said Sir Robert being also present and admitting the convocation of 300 persons at the time abovewritten, the King and Council, in respect of the confession foresaid, ordain Sir Robert to

Warding of Sir Robert Gordon, younger of Lochinvar, for violent proceedings against John Kennedy in Chappell on Lochryan.

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enter in ward in the castle of Blaknes, and remain there till lawfully freed. Acta 1598-1601.

Another decree against the same Gordon of Lochinvar, in consequence of an action against him, in his capacity of admiral on the south-west coast, by the skipper and owners of an Anstruther vessel.

Complaint by David Strang, master, James Strang, Thomas Watsoun, and Robert Campbell, merchants, owners of the ship called the 'Williame of Anstruther', and of the whole cargo of great salt therein, as follows:—Having ladened the said ship with great salt in Portuigall, and arrived therewith at Lochryen in Galloway in November last, of purpose there to sell the same, but having found that they could not without great loss make penny there of the said ladening, they had resolved to sail to the port of Dumbartane to sell their said goods. They had accordingly prepared the ship with all kind of necessaries, and were ready to sail as soon as wind and weather should serve, when Sir Robert Gordoun, apparent of Lochinvar, alleged admiral over those parts,—at least Alexander Gordoun, his depute, accompanied by four hagbutters, by his special causing, for what cause the complainers know not,—finding the said David upon shore, took him as captive with them to the house of Chappell, "and thair maist barbarouslie and mischeantlie held quhinzearis to his breist, schoiring and avowing" to hang him over the walls of the said house if he did not yield to their unreasonable desires. Thus, "for verie feir of his lyffe," he had been forced to give them his band in 1000 merks that he would deliver to them the sails of the said ship by twelve o'clock next day, and had been constrained to deliver the same to them within the house of Chappell, where they still remain. Upon the said complainer requiring instruments and protesting for remedy of law, Sir Robert and his depute had avowed to bereave him of his life "gif he meanit ony forder in that matter." Meanwhile, the said ship "not being in ane clois herborie, bot lyand furth in the sea wanting hir saillis, as said is," there had blown "ane grite storme and tempest, quhairby thair schip brack and the haill laidnyng being thairintill lost and tint: the lyke of the quhilk barbarous and violent forme of oppressioun hes not bene hard of in ony kingdome subject to a christeane prince."—David Strang, James Strang, and Thomas Watsoun appearing for themselves and the other pursuers, and Sir Robert being also present, but the said Alexander Gordoun in Pennyghame failing to appear, the King and Council, understanding that the violence foresaid, committed by Alexander Gordoun upon the complainers, was done by him as depute to the said Sir Robert, "for the bettir furtherance of him to hald ane admirall courte upoun the landis of Lochryane, and for resisting of quhatsumevir personis that sould preis to oppone thameselffis to the halding of the said courte," and also that the said Sir Robert, by his holding of the said admiral court, manifested his approbation of the act of oppression foresaid, therefore ordain the said Sir Robert to enter in ward in the castle of Blaknes by 18th instant, under pain to be answerable to the complainers for the whole skaith and expenses sustained by the loss of their ship and ladening. Page 267. Page 268.

Caution for the appearance of certain Kirk-

Caution by Thomas Kirkpatrik of Closburne for Roger Kirkpatrik in Grennane, Gawne Kirkpatrik in Auchincarne, Johnne Kirkpatrik in

Acta 1598-1601.

Gilskersland, Johnne Kirkpatrik in Clachrie, and Johnne Kirkpatrik in Doning, in 500 merks each, that they shall answer when required, upon 15 days' warning, before the warden of the West March, for coming to the prison house of Drumfreis upon 24th January last, and releasing furth thereof Johnne Kirkpatrik of Knowheid, a common thief, warded in the said prison at the instance of William Greirsoun of Lag, by direction of his Majestie's lieutenant, for certain points of theft committed upon the said Laird of Lag.

patricks, accused of theft.

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Sederunt—Rex; Lennox; Cancellarius; Angus; Mar; Levingstoun; Fyvie; Newbotle; Thesaurarius; Secretarius; Dunkeld; Kinlós; Blantyre; Murdocairny; Cesfurde; Tracquair; Carmichaell; Computorum Rotulator; Collector; Advocatus; Clericus Registri; Clericus Justiciarie; Elimosinarius.

Holyrood-house, 6th March.

Complaint by Petir Man, burgess of Dundie, that the bailies of the said burgh have lately committed him to ward in their tolbooth, and still detain him there without just cause.—Charge had been given to Johnne Traill, Patrik Lyoun, and Williame Auchinlek, bailies of Dundie, to release the complainer or show cause to the contrary; and now, the complainer appearing by Williame Ruthven, his procurator, but the defenders neither appearing nor having set the complainer at liberty, there is renewed order to put him to liberty within six hours, under pain of rebellion.

Peter Mann against the bailies of Dundee, for illegal arrest and imprisonment.

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Certain of the landlords of the Clan Gregour, with Allaster M°Gregour of Glenstrae, captain and chief of that Clan, appearing before the King and Council, and being burdened with pledges for holding the said Clan under obedience, it is complained by the said landlords that one of the special causes which "procuirit the misreule and dissobedience of that clan and the inhabilitie of the landislordis to mak thame ansuerabill," was "the resset and conforte quhilk thay fand of thair said cheif and amangis the landislordis thameselffis, seing every ane of thame for the maist parte resett the men and tennentis of utheris quhen thai wer persewit be thair maisteris, or quhen thai had committit ony wicked or evill deidis; be the quhilk unlawfull ressett and mantenance, sa frequentlie gevin unto thame, not onlie ar thay encourageit to continew in all kynd of misreule, and to misknaw thair landislordis, bot the saidis landislordis ar maid unable to answer for thame." For remedy, is ordained that, if any of the landlords of the M°Gregouris, or the said Allaster, shall reset any of the men of other landlords, they being pursued by the said landlords or fugitive for any crimes committed by them, the resetter shall be held to answer for the person resetted by him, just as if he dwelt upon his own lands.

Act anent the mutual reset of criminals among the landlords of the Clan Gregor.

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The whole landlords of the M°Gregouris and the said Allaster compearing personally, "and a catalogue being maid of certane speciall househalderis duelland undir the landislordis, and of sum utheris quhome the said Allaster hes tane upoun himselff," his Majesty yet understands that

Act making the chief of the Clan Gregor answerable for all of the clan for whom no

other landlord of the Clan is found responsible.

"thair wilbe a nowmer of that Clan quha hes na certane residence nor duelling and cannot be layd upoun na landislordis; quha, being left lowse, and na certane ansuer maid for thame, may committ grite trouble and iniquitie." Now, inasmuch as "the said Allaster be the Act of Falkland tuke upoun him the haill personis of the name of M°Gregour except sic as he sould lay af himselff upoun utheris landislordis" (*ante* p. 20), therefore it is found and declared that the said Allaster shall be answerable for all persons of the name of M°Gregour "quhome he hes not layd upoun landislordis," and that "the plegeis to be entirit be him aucht and sould ly alswele for the gude reule and obedience of thame as of the speciall personis quhome the said Allaster hes tane upoun himselff." Acta 1598–1601.

Act for taking cautions for good rule from the landlords of the MacGregors, and live pledges, instead of pecuniary caution, from the chief of the clan, now in ward in Edinburgh Castle.

A number of the landlords of the Clan Gregour appearing personally, together with the said Allaster, their chief, and a roll having been made of some persons of the said Clan dwelling under the said landlords and of certain others for whom the said Allaster has become answerable, it is thought meet, for the better rule of the said Clan hereafter, that so many of the said landlords as have not found caution conform to the general band "be presentlie straited and burdynit with the finding of the said cautioun, and, becaus the said Allaster can not gett cautioun conforme to the generall [band], that thairfoir plegeis be tane for the gude reule and obedience of sic as he ansueris for, and for this effect that thair be tuelff personis gevin to him in tickett, of quhome he sall mak chois of thrie to be plegeis for the first quarter, and thai to be quarterlie relevit with uther thrie of the tuelff, and that his Majestie be ay suir of thre of the saidis tuelff plegeis, and that the saidis thre plegeis be committit to the custodie and keiping of the Lord Drummond, the Laird of Glenurquhy, and Laird of Tullibardin, viz., to every ane of thame ane, gha salbe haldin be this present act to assuir thair keiping and not eschaiping, under the pane to be ansuerabill and comptabill to his Majesteis subjectis for the haill skaithis quhilkis thai sall sustene of ony of the personis for quhome the saidis plegeis lyis; and in the meane tyme, quhill the entrie of the saidis plegeis, that the said Allaster be still detenit in warde within the castell of Edinburgh, or utherwise fred and relevit upoun sic conditionis as his Majestie and Counsall sall think meit and expedient." Page 272.

Act for making more effective in the Highlands and Borders the Acts against shooting and killing deer.

The King and Council understanding that, in spite of all the Acts of Parliament discharging the shooting and slaughter of deer, "divers undewtifull and unansuerabill subjectis, without respect or regard to the saidis Actis, verie frequentlie schuitis and slayis the deir not onlie in his Majesteis awne forrestis and parkis, bot in all utheris partis quhair the occasioun thairunto presentis," and that, the offenders being for the most part "unansuerabill and brokin men," it is difficult to put the laws in execution against them, the order now is that all landlords and their pledges entered for good rule in the Highlands and Borders shall be answerable for the "haill deir quhilkis sal happin to be schoit and slane heireftir be ony of the personis for quhome the saidis landislordis ar haldin to ansuer, or for quhome the saidis plegeis entirit lyis," and that they shall

Acta 1598–1601.

be "haldin to mak payment of the soume of thrie hundreth merkis for every deir sua to be schoit and slane, the ane half to his Majesty and the uther half to the dilaitar and avowar," and that "the lyke executioun sall pas aganis the saidis landislordis and thair cautioners fund be thame, conforme to the generall band, and aganis the saidis plegeis, for payment of the said soume, as is usuallie grantit for redres of skaithis persewit upoun the generall band."

To denounce Patrick Johnstone for not appearing to answer for his assault on Sir John Lindsay.

Patrik Johnnestoun in Haltoun, having failed to appear this day as charged, to answer touching his "lait violent and unhonnest persute and invasioun" of Sir Johnne Lyndsay of Ballinscho upon the high street in Edinburgh, without the knowledge of Patrik, Lord Glammis, though in that lord's company at the time, and so doing all he could to cause farther trouble between the said lord and the friends of the house of Crawfurde (*ante* p. 69), "to the brek of his Hienes peace and disquieting of the cuntrey," is to be denounced rebel.

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Holyroodhouse, 7th March. Protest by Lord Herries in the matter of the feud between the Maxwells and the Johnstones.

Williame, Lord Hereis, protests that, although, "at the speciall command of the Kingis Majestie, and for a testimony of his obedience to his Majestie, in respect he haldis his landis and all that he hes of his Hienes," he has subscribed a submission of the feud standing between him personally and the Laird of Johnnestoun, yet he may "reserve his dewtie of blude and freindschip to the Lord Maxuell," and that "the subscryveing of the said submissioun sould be na prejudice thairunto"; and his Majesty admits the protest.

Edinburgh, 7th March. Charge to certain Ogilvys and Lindsays at feud with each other to keep ward in certain houses and to find mutual assurances.

The King and Council understanding that there is "ane grite trouble laitlie fallin oute" between James, Master of Ogilvy, Sir Johnne Ogilvy of the Craig, Mr. David Ogilvy, George Ogilvy, all brothers, with their adherents, on the one part, and Alexander, Lord of Spynie, Sir Johnne Lyndsay of Ballinscho, Williame Stewart, brother of the Earl of Athoill, and their adherents, on the other part,—"quhairupoun forder inconvenientis will not faill to ensew to the brek of the peceabill and quiet estate of the cuntrey without tymous remeid be provydit,"—there is order to charge those concerned in the feud to remain in ward in the following houses till freed and relieved, under pain of rebellion: viz., James, Lord Ogilvy of Airlie, within his place of Arbroith, and the other Ogilvys abovewritten within the place of Bodschan; Hary Lindsay of Kinfawnis, with the Lord of Spynie and the other Lindsays foresaid, Stewart included, within the place of Din. Both parties are to subscribe such form of mutual assurance as shall be presented to them, to endure till 1st January next, and are also to cause cautioners to subscribe the said assurances for the better observation thereof, under the pains following: viz., Lord Ogilvy and Master of Ogilvy in £10,000 each, Sir Johnne Ogilvy in 10,000 merks, Mr. David Ogilvy in 5000 merks, and George Ogilvy in £1000; Lord of Spynie in £10,000, Kinfawnis and Ballinscho in 10,000 merks each, and Williame Stewart in 5000 merks. The said principals are to return the assurances for registration in the books of Council, within six days after the charge, under pain of rebellion.

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Holyrood-house, 10th March.
Caution for Sir Robert Gordon of Glennis.

Caution in 5000 merks by Sir Johnne Gordoun of Lochinvar for Sir Robert Gordoun of Glennis, his son and apparent heir, that he shall either enter Alexander Gordoun of Hillis in ward in Blaknes Castle by 10th April next, or enter himself again in ward within the burgh of Edinburgh upon that day (*ante* p. 88). Acta 1598-1601. Page 275.

Holyrood-house, 11th March.

Sederunt—REX; Lennox; Cancellarius; Newbotle; Fyvie; Thesaurarius; Secretarius; Dunkeld; Kinlos; Blantyre; Murdocairny; Collector; Advocatus; Clericus Registri; Computorum Rotulator; Elimosinarius.

Act in favour of Walter Stewart, Prior of Blantyre, late Treasurer, recognising his long and faithful services to his Majesty.

His Majesty remembers how that, "his Hienes haveing burdynnit" Walter, Prior of Blantyre, with the office of treasurer, he faithfully discharged the duty of that office the whole time that he served therein, "imploying his moyen and creddite" in furthering the "particular chargeis belanging to the said office," so that he is superexpended in the sum of £18,452, 5s.; whereof "at the futeing of his comptis" his Majesty was found to be indebted to him in £7602, 5s., "and actioun wes reservit to him aganis Johnne, Erll of Cassillis, for the soume of viii^{m} li, quhairin the said Erll hes obtenit decreit absolvitour aganis the said Priour, and Sir Robert Melvill of Murdocairny, knicht, hes obtenit decreit aganis him upoun the soume of ii^{m}viii^{c} and l li: quhilk compleitis in the haill the forsaid soume of xviii^{m} iiii^{c} lii li, vs." And now, "his Majestie acknawlegeing the said soume to be his Hienes awne propir debt, quhilk he is bundin in honnour and conscience to releve and satisfie, and with that haveing a speciall regaird to the gude, trew and thankfull service done to his Majestie at all tymes be the said Priour, quha fra his verie yowth hes evir followit his Majestie, and spent and bestowit his haill tyme in his Hienes service without ony spott of sclander or reproche, and at his Majesteis plesour dimittit the said office afoir he wes relevit of the saidis sowmes; and thairfore being cairfull of the said Priouris releiff,—as his Majestie is and hes bene of all utheris quha hes undirtane ony burdyn in his Majesteis service:—his Hienes thairfoir, with advise of the Lordis of his Secreit Counsall, faithfullie promeissis in the worde of a prince to releve and satisfie the said Priour of the soume forsaid; and, for this effect, quhenevir he may espy ony casualitie quhairby he may be satisfeit of the said soume, or utherwise quhen the commoditie of his satisfactioun may be onywise offerit, that his Hienes sall dispone the same to the said Priour or his airis, and mak thame securitie thairupoun in forme as effeiris." Page 276.

Lady Carnoch and others against the Lairds of Milnab and Weem and others, for detaining certain moneys and goods of the Clan Cameron,

Action at the instance of Margaret Scott, Lady Carnoch, Grahame of Inchebrakie, now her spouse, for his interest, and Andro Malloch of Cairneis, as follows:—Upon 13th July 1595 Allane M^{c}intuatour Camroun, and Johnne M^{c}intuatour Camroun, "with a grite nowmer of thair compliceis, all thevis, broken men, and sornaris of the Clan Chamroun," came to the lands of Glenalmond and stole furth thereof from the said Margaret 44 kye and from the said Andro 36 kye. And, because the said

Acta 1598–1601.

pursuers could get no restitution of the same goods by order of justice, they therefore, according to the power granted by the Act of Parliament to subjects sustaining loss by the "disordourit thevis and lymmaris of the Hielandis and Bordouris" (1581 c. 16 iii. 218) to intromit with the goods of any others of the same clan, arrested in the hands of the persons underwritten the sums and goods following, belonging to certain of the Clan Chamroun:—(1) They arrested in the hands of Alexander Leitche the sum of £80 for the price of five kye pertaining to the said Clan Chamroun, for payment of which to the complainers Patrik Drummond of Milnuab became cautioner. (2) They arrested in the hands of Duncane Dow M°Nab and Donald M°Naves twelve "grite ky" belonging to the said Clan, which were sold for 200 merks,—James Campbell, apparent of Laweris, becoming surety upon 28th October last for making the same furthcoming to the said complainers. (3) Upon 30th November last they arrested, by David Drummond, messenger, in the hands of Patrik Levage, the sum of £160 as the price of certain kye belonging to the said Clan,—Alexander Menzies of Weyme, upon the day foresaid, becoming surety to the same effect. (4) Upon 18th August last, the said David Drummond, by virtue of his Majesty's letters, arrested in the hands of Johnne Ventoun, skinner in Perth, 13 horse load of white plaids and yarn, and 13 horses and mares, estimated at 20 merks each, belonging to the said Clan, especially to Camroun, laird of Glenevais, whose servants were at the taking of the said complainer's gear. But, although none of the said Clan has offered to make to the complainers any redress for their said goods stolen by them in manner foresaid, and therefore the sums of money and goods abovewritten, arrested as said is, pertain to the complainers according to the said Act of Parliament, yet the aforesaid principals and cautioners refuse to deliver the same to them unless compelled.—The pursuers appearing by Charlis Grahame, their procurator, but the defenders, viz., Menzies, Campbell, Ventoun, and the Laird of Minab, failing to appear, the King and Council decern and ordain the said defenders to pay and deliver to the pursuers the sums and goods abovewritten arrested in their hands.

arrested in their hands as compensation for thefts by some of the Clan.

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Williame Stewart, brother of Patrik, Earl of Orknay, is commanded in presence of his Highness and Council to find caution for his compearance before the justice the third day of the next Justice air of the shire where he dwells, to underlie the law for the "schamefull and cruell murthour" of Bellenden, his first spouse, Alexander Sklatter in Evie, and James Irwing in Sandwick, under the pains contained in the Acts of Parliament.

William Stewart to find caution for his appearance to be tried for murder.

The King and Council assign 20th May next to Thomas Foullis and Robert Jowssie for making their accounts, and ordain the supersedere granted to them to be effectual till 15th June next, in order that in the meantime their accounts may be "perfytet and endit."

Thomas Foullis and Robert Jowsie called to count and reckoning.

Complaint at the instance of Walter Ogilvie in Leitfie that, upon 7th

Edinburgh, 13th March. To denounce James Spencer and others.

February last, while he was coming to his own dwelling house, "eftir the sone going to," in sober and quiet manner, James Spencer, son-in-law of Williame Smyth in Barmeny, David Rattray, son of Andro Rattray, and Walter Donald, by the "hounding oute" of the said Williame and Andro, "maist cruellie umbesett and persewit the said complenair of his lyffe, hurt and woundit him upoun divers partis of his heid and body, to the grite effusioun of his blude and perrell of his lyffe, and mutilat him in the ker [*i.e.*, left] hand of tua fingeris."—The pursuer appearing personally, the defenders, for not appearing, are to be denounced rebels. Acta 1598–1601. Page 279.

Montrose, 22nd March.[1]

Sederunt—Rex; Lennox; Cancellarius; Mar; Spott; Elimosinarius.

[1] Since the 18th March there had been sitting at Montrose that General Assembly of the Kirk which the preceding Assembly of March 1597–8 had appointed to be held at Aberdeen in July 1599, but which had been prorogued till now, with a change also of the place, by the King's authority. Its proceedings are recorded in full in the *Booke of the Universall Kirk*, pp. 477-490, and in Calderwood, vi. 1–26,—who, however, postdates the Assembly by ten days, sharing this error with Spotswood, and followed in it by Robertson and others. The proceedings mark another stage in the progress of the King's design for the re-establishment of Episcopacy. They consisted in a ratification of the conclusions of the extraordinary ecclesiastical convention at Falkland in July 1598 (vol. v. pp. 473–474, footnote), together with a settlement of some of the additional points that had been discussed in the Holyroodhouse conference of November 1599 (*ante*, p. 44, footnote). It was agreed, though not without opposition still on the part of the more resolute Presbyterians, that there should be representatives of the clergy in Parliament; it was agreed that the mode of electing them should be by the nomination by the King, in each case of vacancy, of one of a leet of six recommended to him by the General Assembly, after advice from the synods and presbyteries; and it was farther agreed to adopt all the caveats that had been suggested by the Falkland Convention against undue usurpation of power or dignity by the new Parliamentary prelates,—*e.g.*, that they should propose nothing in Parliament without express warrant and direction from the Church, that they should be responsible for their Parliamentary conduct to each recurring General Assembly and censurable for the same by that body, that they should continue to be preaching and working pastors of congregations, that they should continue subject in that capacity to all the ordinary kirk-judicatures equally with their brethren, and that they should not be styled *Bishops* or *Prelates*, but only *Commissioners*, or, if that name should not be satisfactory to the King and the Parliament, then by some other name to be afterwards settled by the Kirk. A question specially determined by this Assembly was the reserved question whether the tenure of Parliamentary office and rank by the commissioners should be *ad vitam aut culpam* or for a shorter period. A vote having been taken on this question, 48 voted for the *ad vitam aut culpam* tenure, but 51 for appointment from year to year only, so that it was resolved by a majority of *three* as follows:—"The Generall Assemblie, having reasouned at lenth the said questioun, tuiching the continuance of him that sall have vote in Parliament, after voting of the same, finds and decernes that he sall *annuatim* give a compt of his commissioun obteaned from the Assemblie, and lay doun the same at their feete, to be continued or altered therefra by his Majestie and the Assemblie, as the Assemblie, with consent of his Majestie, sall thinke most expedient to the weale of the Kirk."—From this summary it will be seen that, so far as appearances went, the King had not yet succeeded in winning round the body of the clergy to his scheme of a restored Episcopacy. It was but the shadow of a system of prelacy, or rather of something convertible into a prelacy, that the Montrose Assembly had consented to. Principal Robertson, commenting on the conclusions of the Assembly, observes this, and declares, in words that may be taken to express his own view of what was admissible into the system of the Kirk consistently with the Presbyterian theory, that "nothing could be more repugnant to the idea of the Episcopal government than these regulations." The older Presbyterian, Calderwood, thought differently. "Thus the Trojan hors, the Episcopacie, was brought in, busked and covered with caveats, that the danger and Page 280.

Charge to certain persons not to assist in the feud between the Lindsays and the Ogilvys.

The King and Council, "undirstanding the grite trouble quhilk hes laitlie fallin oute betuix Alexander, Lord of Spynie, his brether and freindis, on the ane parte, and James, Maister of Ogilvy, his brether and freindis, on the uther parte, to the appeirand brek of his Majesteis peace and schaiking lowse of the haill estate of the cuntrey of Angus" (*ante* p. 91), therefore ordain the following persons to find caution, in the sums after-specified, within six days after being charged, under pain of rebellion, that they will not take part with any of the said parties, nor meddle directly or indirectly in the feud standing between them: viz., Maxuell of Teling, James Creychtoun of Ruthvenis, Sir James Skryngeour of Dudop, each in 5000 merks; Moncur of that Ilk, Grahame, tutor of Fintrey, James Strauchane of Carmylie, in 3000 merks each; Sir Thomas Lyoun of Auldbar, Master of Glammis, in 5000 merks; Lyoun of Cossynis, Grahame of Claverhous, Logy-Wischert, in 2000 merks each.

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Montrose, 23rd March. Protest by Lord Ogilvy of Airlie.

James, Lord Ogilvy of Airlie, appearing personally before his Majesty, protests that, albeit he has subscribed an assurance for himself and his friends to Alexander, Lord of Spynie, and certain others specified in the said assurance, yet he shall not be held "be the generalitie of the said assuirance" to answer "for sa mony of his kin and freindis as subscryvit and gaif particular assuiranceis for thameselffis, bot that thai sould be ansuerabill for thame and thairis according to thair awne assuiranceis." His Majesty admits this protest.

Act for settling the feud between the Lindsays and the Ogilvys, with orders to the chiefs on both sides for that effect.

"The Kingis Majestie and Lordis of Secreit Counsall, haveing advisedlie considerit upoun the best meanis to settle the present troublis within the cuntrey of Angus, throw occasioun of the lait unhappie accident and conflict quhilk happynnit and fell oute betuix Alexander, Lord of Spynie, and James, Maister of Ogilvy, thair freindis and compliceis, findis meit and expedient, according to the Act of Esteatis maid anent the feidis [Acts of Parl., iv. pp. 158, 233], that mutuall suirteis and cautioun be fund be the speciallis of the kin and freindis on ather syde for the indempnitie and not beiring of quarrell nor feid to innocent men, being kin, freindis, assisteris, dependaris, and pairttakaris on ather pairtie, quha wer not upoun the feildis at the said conflict, and this suirtie to stand in all tyme cuming: as alsua, that particular assuiranceis be past *hinc inde* for the suirtie and indempnitie of the personis on ather syde being on the feildis and present at the said conflict, and the saidis assuiranceis to induir unto

deformitie might not be seene" is Calderwood's all but contemporary comment.—The King, as will be seen from the Council sederunt of this date, had himself gone to Montrose, to exert his influence over the deliberations of the Assembly, and especially over those northern ministers from whose co-operation he expected most. Mr. Andrew Melville was also there, actively opposing the King, though not permitted to be present in the Assembly itself; and it was in Montrose, as Calderwood tells us, that there was that new private encounter between the King and Mr. Andrew in which Mr. Andrew informed his Majesty that his head was at his Majesty's service if he liked to "cutt it off," but that, while it remained on, he must do his duty.

Acta 1598-1601.

Whitsounday nixt, to the effect in the meantyme his Majestie may proceid be ordour of justice, or utherwise as his Hienes sall think expedient, for setling of that feid and procureing of his Majesteis peace to be keipit in the cuntrey. And, to the effect his Majestie may be assuirit of the personall compeirance of the gilty personis on ather syde, owther befoir his Majestie and Counsall or befoir the Justice and his deputtis, quhen thay salbe lawfullie chargeit to that effect, his Hienes hes thocht meit and ordanit that Sir Johnne Lyndsay of Wodheid, knicht, for the ane part, and Sir Johnne Ogilvy of Craig, knicht, for the uther parte, being speciall personis of equall rank on ather syde, sall entir thair personis in warde within the castellis following,—viz., the said Sir Johnne Lyndsay within the castell of Edinburgh, and the said Sir Johnne Ogilvy within the castell of Dumbartane,—thairin to remane as plegeis for the bettir assuirance of the entrie and compeirance of the giltie personis on ather syde, quhenevir thay salbe callit, owther befoir his Majestie or Justice, and that thay entir in the saidis wardis betuix and the penult of this instant. Lyke as, the said Sir Johnne Ogilvy compeirand personalie befoir his Majestie, and this ordinance being delyverit and intimat to him be his Majesteis selff, he faithfullie promeist to his Hienes, as he wilbe ansuerabill upoun his faith, honnour and allegeance, and as he wald wische his Majestie to be a gratious, mercifull and clementt prince unto him, to obay the said ordinance; lyke as he ressaved his warrand for his ressett in warde furth of his Majesteis awne hand. And ordains the lyke intimatioun of this ordinance to be maid to the said Sir Johnne Lindsay, and that his warrand for his ressett in warde be send to him with all deligence. And forder, to the effect the speciall personis on ather syde sall not have occasioun to meit togidder be thair repairing to and fra in the cuntrey, his Majestie ordanis and commandis that Alexander, Lord of Spynie, remane within the place of Dun, and that Hary Lindsay of Kinfawnis addres himselff to attend and awate upoun his office and service with the Quenis Majestie, and that he be in reddynes to remove furth of the cuntrey of Angus with his Majestie, and that he repair not agane within the said cuntrey without speciall licence of the Kingis Majestie; and that David Lyndsay, sone naturall to the Erll of Crawfurde, remane within the place of Fynnevin and remove not thairfra; as alsua that James, Lord Ogilvy of Airlie, duiring the haill tyme of his remaning within Angus, mak his residence within the toun of Arbroith, and that he hant in na uther parte of the cuntrey of Angus; as alsua that James, Maister of Ogilvy, and George Ogilvy, his brother, remane within the place of Airlie, and on nawise remove thairfra quhill thay be lawfullie and ordourlie fred: and that letters be direct chargeing thame to remane and keip thair saidis wardis under the pane of rebellioun."

Acta 1598-1601.

Page 281.

Perth, 28th March. To denounce Malcolm Thriepland.

Complaint by Mr. Williame Levingstoun of Cultir that, upon 6th February last, Malcolme Threipland, servitor of Johnne Hay of Smeithfeild, with his accomplices, all armed with pistolets and other weapons,

Acta 1598–1601. Page 282.

came at night to the complainer's lands of Culter, and to the dwelling house of , his tenant thereof, and there "maist crewellie, barbarouslie and mischeantlie stickit thrie oxin and tua hors pertening to the said complenar and his said tennent, dang and misuseit his said tennentis wyffe, bairnis and servandis, and compellit hir to cast hir bairne oute of hir armes."—The complainer appearing personally, Malcolme, for failing to appear, is to be denounced rebel.

Perth, 1st April. Act against Jesuits, seminary priests, and trafficking papists.

"Forsamekill as, be divers Actis and proclamationis maid and publist heirtofoir, all Jesuittis, seminarie preistis, excommunicat and tryit trafficquing papistis, commoun enemeyis to all Christiane governament, ar specialie commandit to departe and pas furth of this realme, under certane panes mentionat in the same Actis, the not executioun quhairof hes produceit sic a contempt and misregaird of the saidis Actis as the resorte and ressett of the saidis Jesuittis and seminarie preistis is very frequent in sindrie partis of this realme,—quhairthrow grite nowmeris of simple and ignorant people ar seduceit be thame to declyne fra the trew and Christeane religioun, to the offens and displesour of God: for remeid quhairof it is statute and ordanit be his Majestie and Lordis of his Secreit Counsall that quhatsumevir Jesuittis, seminarie preistis, excommunicat and tryit trafficquing papistis, presentlie being within this realme, or quhilkis sal happin heireftir to repair within the same, sal immediatlie eftir thair dilatioun to his Majestie be takin and apprehendit be the ordinar magistratis of the boundis quhair thai resorte, and committit to
Page 283. warde, ay and quhill thay be converted to the [? trew] religioun, removeit and putt af the cuntrey, or ellis punist according to the tennour of the saidis Actis, sua that alwayis the benefite of the Act of Parliament granting to utheris papistis the space of fourty dayis to satisfie the Kirk or to remove af the cuntrey sall nawise be extendit to thame. And, becaus the ressett quhilk thay have fund in divers partis of the cuntrey hes gevin thame the bauldnes sa avowedlie to contempne his Majestie and his lawis, that thairfoir sic personis as salbe gevin up be the presbiterie or sessionis of the Kirk to be the ressettaris and huirdaris of thame salbe chargeit, under sic pecuniall panes as salbe modifeit be his Majestie and Lordis of Secreit Counsall, not to ressett thame."

Act for enforcing the laws against single combat.

"Forsamekill as, albeit be sindrie gude lawis and constitutionis maid heirtofoir, according to the lovable custome observit in all utheris wele governit commounwelthis, all the leigis of this realme wer prohibite and dischargeit to challange or undirtak ony singill combatt, under certane panes mentionat in the saidis Actis, yit the default of the not executioun of the saidis Actis and punising of the personis violateris and transgressouris thairof hes brocht sic a contempt and universall misregarde of the saidis Actis, with a pretendit misknawlege of the tennour of the same, as na personis, of quhatsumevir rank or conditioun thay be of, ar affrayed to appeale utheris to the singill combatt upoun everie licht occasioun, quhairupoun mony deidlie feidis and utheris inconvenientis hes oft fallin oute,

and forder lyke to follow gif remeid be not provydit: thairfoir ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis leigis, be oppin proclamatioun at all placeis neidfull, that nane of thame presume or tak upoun hand at ony tyme heireftir to appeale or provoke utheris to the single combatt, under the panes contenit in the lawis and constitutionis maid and publist heiranent of befoir; certifeing thame that failyeis, or sall do in the contrair heirof, that thay shalbe takin, apprehendit, followit, persewit and punist according to the tennour of the saidis Actis, with all rigour and extremitie, in example of utheris." Acta 1598-1601.

Commission for considering and reporting on remedies for abuses in cloth-making.

The King, with advice of his Council, having considered the supplication of Johnne Sutherland, clothmaker, anent the "grite abuissis and imperfectionis of the claith maid ordinarlie within this realme, and the remedeis thairof," grants commission to Johnne, Earl of Montrois, chancellor, Alexander, Lord of Fyvie, president, Sir James Elphingstoun of Barnetoun, secretary, Mark, Lord of Newbotle, Eduard, Commendator of Kinlos, Mr. Thomas Hammiltoun of Drumcairne, advocate, Mr. Johnne Prestoun of Fentounbarnis, collector, together with Johnne Arnote, Nicoll Edwart, and Henry Nesbitt, burgesses of Edinburgh, or so many of them as shall be present, to meet at Edinburgh upon the · · day of April instant, and there to call the said Johnne Sutherland before them, and consider his overtures for the remedy of the said abuses. The commissioners are to report their opinion to his Majesty and Three Estates at their next Convention appointed at Edinburgh upon 20th June next, that order may be taken in the matter. Page 284.

Act for enforcing the Acts against strong and idle beggars, "bairdis," and other vagrants, and for the sustentation of the poor and impotent.

"The Kingis Majestie and Lordis of Secreit Counsall remembering how that thair hes bene divers gude and lovable Actis of Parliament and Secreit Counsall maid and publist heirtofoir for punischment of strang and idill beggaris and releif of the puir and impotent, and how that the saidis Actis hes ressaved litle or na executioun be ressoun of the ouersicht and negligence of the personis quha wer nominat justiceis and commissioneris for putting of the saidis Actis to dew and full executioun, and that thair wes not ane speciall penaltie appointed and injoyned to thame quha sould be fund remisse or negligent thairin, sua that the saidis strang and idill beggaris, being for the maist pairt thevis, bairdis, and counterfute lymmaris, leveing maist insolentlie and ungodlie, without marriage, or baptisme of grite nowmeris of thair bairnis, ar sufferit to vaig and wander throuchoute the haill cuntrey, albeit be the saidis Actis of Parliament thay wer specialie commandit and appointed to have repairit to the parrochynis quhair thay wer borne or had thair maist frequent residence the space of sevin yeiris of befoir, and the puir and impotent personis ar neglected, and na cair had nor provisioun maid for thair interteneyment and sustentatioun: for remeid quhairof and supplie of the saidis Actis, and namely of the Act of Parliament maid in the nyntie sevin yeir of God, quhairby the executioun of the saidis Actis of Parliament is committit to the particular Sessionis of the Kirk [Acts of Par., iv. p. 140], it is statute and ordanit be the Kingis Majestie, with advise of the Lordis of his Secreit

Acta 1598-1601. Counsall, that the saidis Sessionis of the Kirk, quhair neid is, salbe assisted be ane or tua of the presbitery, and that they sall putt the saidis Actis to dew and full executioun, conforme to the tennour thairof, in all pointis, every ane of thame within thair awne boundis, under the pane of tuentie pundis to be exactit of thame maist preceislie sa oft as thay salbe fundin to be Page 285. remisse or negligent heirin; and that thir presentis sall begin to tak effect and executioun upoun the first day of Junii nix to cum. And, to the effect his Majesty may be the bettir assuirit of the cair and deligence of the saidis Sessionis of the Kirk in the dew executioun of the saidis Actis of Parliament, his Majestie ordanis and commandis the haill presbitereis within this realme to tak diligent tryale of the obedience of the saidis Sessionis heiranent, and to reporte thair certificat and testimoniall thairupoun to his Majesteis ministeris betuix and the first day of August nix to cum, quhairthrow his Majestie may thaireftir proceid aganis sic as salbe fundin negligent as accordis; and that letteris of publicatioun be direct heirupoun in forme as effeiris, quhairthrow the saidis Sessionis of the Kirk nor na utheris pretend ignorance, and to command and charge the saidis beggaris be oppin proclamatioun, as said is, to repair to the parrochynis quhair thay wer borne and thair setle thameselffis, within tuentie dayis nixt eftir the publicatioun heirof, under the pane to be punist as vagabondis, conforme to the tennour of the saidis Actis and proclamatioun."

Perth, 2nd April. Proclamation for attending his Majesty in an expedition for reducing the rebellious inhabitants of the Isles and Highlands to obedience.

The King's Majesty is "moved with the avowed rebellioun and disobedience of the inhabitantis of the Ilis and Heyland pairtis nixt adjacent, quha, being void of the knawlege and feir of God and of the reverence and dew obedience quhilk thay aucht to his Majestie, delytis in na thing ellis bot in blude, murthour, and all kynd of barbarous and bestlie cruelteis, to the offence and displesour of God and to the sclander and reproche of this haill natioun: and with that thay violentlie detene and withhaldis fra his Majestie ane grite parte of his Heynes patrimonie, quhairof his Majesteis predicessouris, of gude memorie, wer in peaceable and full possessioun, and defraudis and spuilyeis the cuntrey of the monyfauld benefeitis quhilkis the saidis Ilis randeris, and ar avowed enemeyis to all lauchfull trade and handilling within the same Ilis, exercising all kynd of crueltie upoun his Majesteis gude subjectis resorting amangis thame in thair lauchfull trade, to the utter wrack and undoing of mony honnest men, and disapointing and frustrating of the trade within the Ilis, quhilk, being peaceable, wald importe sa heichlie the common benefite of the haill cuntrey. For repressing of quhais insolence, and reduceing of the saidis barbarous inhabitantis to his Majesteis obedience, his Heynes is myndit, God willing, to repair in propir persone to the saidis Ilis, and thair to remane quhill the same Ilis be randerit peaceable and obedient, and that his Majestie be fullie possest with his Heynes patrimonie; for quhilk purpois necessair it is that his Heynes be accompanyed with a force of his gude and loving subjectis." He therefore ordains letters to be directed charging all and sundry earls, lords, barons,

substantious feuars and landed gentlemen, together with the inhabitants of burghs, within the shires of Air, Renfrew, Dunbartane, bailiaries of Kyll, Carrik and Cunynghame, nether ward of Cliddisdaill, and brae of Stratharne, by open proclamation at the market crosses of the head burghs of the same, to meet his Majesty at Dunbartane upon 10th July next, and all such persons within the bounds of Bute, Ergyle, Tarbett, Athoill and Braidalbane, to meet him at Kintyr upon 12th July, well armed, with "carreage and palyeonis to ly on the feildis," and provided to remain one month, under pain of loss of life, lands and goods. There is also order to command the boatmen and ferriers upon the Water of Clyde and the whole sea coast thereabout to repair to the ferry of Tarbett with their boats upon the said 12th July, and there attend for transporting the army, under the same pain. Acta 1598-1601. Page 286.

Holyrood-house, 16th April.

Sederunt—REX; Cancellarius; Thesaurarius; Neubottle; Secretarius; Clericus Justiciarie; Advocatus; Collector; Spott.[1]

To denounce Mure of Caldwell, for not appearing to a charge of oppression.

Complaint by Johnne Reid of Kittoksyde, as follows:—Although he has a 44 shillingland in Kittoksyde "pertening to him in few heritablie," sold to him by Robert Mure of Cauldwell for a certain sum, besides the feu duty expressed in his infeftment, whereof he has been in possession for the last 30 years, yet the said Robert, "pairtlie undir pretext of law and pairtlie be oppin oppressioun," has troubled him in the possession at divers times within the last 18 years. Last of all, the said Laird, upon 11th June 1597, directed to the complainer's house in Kittoksyde James Mure, his son and apparent heir, Williame and Johnne Muris, also his sons, Johnne Kincaid, James Mure, Robert and Johnne Couparis, with sundry others armed, who broke up the doors thereof by force, "stoggit the beddis with drawne swerdis, and schoit and dischargeit some hacquebutis and pistollettis thairin, thinking to have found and slane him; bot, being disapointit be his eschaiping, thay patt fyre three severall tymes in the said complenaris house, of purpois maist treasounablie and barbarouslie to have brint his puir wyffe and bairnis being thairin." They afterwards took possession of his house; which they still continue to use at their pleasure, the complainer not daring to resort thereto for fear of his life.—The complainer appearing personally, the said Robert Mure of Cauldwell, for failing to appear, is to be denounced rebel. Page 287.

[1] In the Book of Sederunts of this date (Fol. 18, a) "Orknay" appears among the Councillors.—Note at this point the return of the Court to Edinburgh from Perth. While it had been at Perth, there had been an important Convention of Estates there, of which no official record has been preserved, though there is distinct mention of it in the English correspondence of the time (*Cal. of English State Papers relating to Scotland*, p. 782). The Convention had been ineffective for the King's purpose; and, as appears from one of the Acts of Council at Perth on the 1st of April (*ante* p. 98), another Convention of Estates had been appointed to meet at Edinburgh on the 20th of June. For more on this subject see footnote to p. 121, *infra*.

Acta 1598 601.

In presence of the King and Council appears Patrik Murray, son of Sir Johnne Murray of Tullibardin, as procurator for his said father, and enters Johnne M°Eanduy in Rannach and Ewne M°Allaster Pudrach, two of the pledges specified in the ticket delivered to Allaster M°Gregour of Glenstra, conform to the caution granted by the said Sir Johnne to that effect upon 11th March last. He also declares that his said father had delivered Johnne M°Fatrik V°Eane, the third of the said pledges, to Sir Duncane Campbell of Glenurquhy, who at present has him in his keeping. Wherefore, the King and Council declare the act foresaid to have been obeyed, and discharge the said Sir Johnne thereof. The said Ewne M°Allaster is then delivered to Johnne, Earl of Montrois, chancellor, to be kept by him, according to acts made anent the keeping of M°Gregour's pledges; and the said Johnne M°Eanduy is redelivered to the said Patrik, to be convoyed by him to Patrik, Lord Drummond, who is appointed to have the custody of him.

MacGregor's pledges entered by Murray of Tullibardine.

Page 288.

Complaint by Tormont M°cleud that Kenneth M°Kanzie of Kintaill has apprehended him, and detains him as prisoner, without just cause.—The complainer appearing by Johnne Davidsoun, his procurator, and the said defender failing to appear, the King and Council, understanding that the said Tormont "is a cheiff and speciall man of that Clan, and that thairfoir it is necessair that ordour be tane for his deutifull obedyence and gude behaviour," ordain Kenneth M°Kanzie to present him before them upon day of .

Tormont MacLeod against MacKenzie of Kintail, for wrongous imprisonment

Page 289.

Complaint by Williame Stenhoip in the Lead-mines, as follows:—Having the right to one half of the lead mines and houses in Craufurdmure disponed to him by Mr. David Foullis, donator to the escheat and liferent of Thomas Foullis, he had, in the month of , delivered a great quantity of lead and lead ore to James Weir in Craufurdjohnne, David Browne in Douglas, Laurence Contart in Craufurdjohnne, Alexander Thomesoun in Douglas, and Johnne Carmichaell there, to be carried by them to the town of Leyth. The said persons, however, "far by his expectatioun, maist unhonnestlie mellit with the said leid" and sold the same. The purchasers had been Thomas Leiche in Cumnok, Johnne Espie, Niniane Myller in Dalpeddir, Niniane M°Millane in Middle Dalpedder, Williame Thomesoun there, Johnne M°inrig at Mennokmiln, Johnne Irland in Nether Ardoch, Henry Espie in Chappell, Johnne Ker, Johnne Darbonell (Darganell), Thomas Miller, James Walker in Lyde, all of whom knew that the lead was violently intromitted with. Moreover, in the month of , the persons foresaid violently intruded themselves into the wood of Dalpeddir, and they have intromitted with the timber and wood thereof these two years past, ejecting the complainer furth thereof, to his heavy hurt and skaith.—The complainer appearing, but none of the said intromitters or buyers, the King and Council ordain them all to be denounced rebels.

To denounce James Weir and others for not appearing to answer for wrongous intromission with lead in the mines of Crawfordmuir.

Holyrood-house, 17th April.

Sederunt—REX; Cancellarius; Neubottle; Thesaurarius; Secretarius; Collector; Spott; Clericus Justiciarie.[1] Acta 1598-1601.

Decree against William Borthwick as cautioner for Alexander Borthwick.

Williame Borthuik, tutor of Borthuik, having, upon 9th instant, became surety for Johnne and Alexander Borthuikis, that they should answer upon 17th instant before the King and Council touching their writing and directing of "letters and cartallis" to Williame Sinclair of Rosling, under the pain of £200, and parties being now called, and Johnne Borthuik appearing personally, but the said Alexander failing to appear, it is declared that the said act has not been observed for the part of the said Alexander, and therefore that his said cautioner has incurred the said penalty. Letters are accordingly ordered to issue for payment of the same. Page 290.

To denounce Robert Murehead and John Henderson, for not answering to a charge of obstructing certain persons in the execution of their commission for searching for gold and silver about to be illegally exported.

Complaint by Alexander, Master of Ephingstoun, treasurer, as follows: —His Majesty having been informed of "the frequent transporting of gold and silver furth of this realme be a nowmer of wicked and unproffitable memberis of this commonwele," certain persons had been appointed commissioners to search and try where any gold or silver is exported, with power to intromit for the King's use with such as "sould be challengeit in the transporting." Among the other commissioners were Abraham Hamiltoun, his Majesty's master smith, and George Pursell, admiral officer; who, being informed that Robert Mureheid and Johnne Hendirsoun, burgesses of Edinburgh, had above 10,000 merks in gold and silver ready to be exported in Johnne Gourlay's ship, had, upon 13th instant, challenged "ane kist quhairin the said money wes putt, as the samin wes in the transporting to Leyth." But, "preissing to have intromettit thairwith, at the leist to have had inspectioun of the guidis and geir being within the kist, according to the power of his Majesteis commissioun, thay wer violentlie debarrit and stopped with mony injurious and minassing speicheis be the saidis Robert and Johnne, quha preist to have persewit thame of their lyveis with invasive waponis; and, eftir thair comeing to Leyth, the saidis personis used the lyke violence aganis the saidis commissionaris in the house of , quhair the said kist wes careyed, and very outragiouslie, with mony threatningis and minassingis, patt thame furth of the said house, and wald nawise suffir thame have entres quhill the said kist west oppynnit and the haill gold and silver tane furth thairof." By the refusal of the said persons to give inspection of the goods in the said chest, they gave sufficient evidence that the said money was within the same, or at least some other forbidden and unlawful goods. —The pursuer appearing personally, the defenders, for failing to appear, are to be denounced rebels. Page 291.

William Rutherford in Leith to be committed to ward for being the assailant in a private combat in the high street of Edinburgh.

Complaint by Alexander, Master of Elphingstoun, treasurer, as follows: —Although, by an Act of Secret Council, "ratifieit laitlie at his Heynes Conventioun haldin at Perth,"[2] it is ordained that whoever should, after the publication of the said Act, invade any subject within a mile of the

[1] In the Book of Sederunts (Fol. 18, a) the list of Councillors is as follows:—Cancellarius; Orknay; Thesaurarius; Secretarius; Collector.

[2] See footnote (*ante*, p. 100).

Acta 1598–1601.

place where his Majesty resides, the said invader, "eftir dew tryall that he wes the first onsettair," should be committed to ward, and there detained for a year and day, and farther till he "fyn with his Majestie according to the qualitie of his persone," yet James Lokhart, elder of Lie, and Williame Ruthirfurde in Leyth, "haveing schaikin of all reverence and obedyence of the said Act", assaulted each other with drawn swords in the high street of Edinburgh upon 14th instant, his Majesty being then in the palace of Haliruidhous,—"ather of the saidis pairteis doing thair utter endevoir to have had uthiris lyveis; quhairin thay, at the leist ane of thame quha wes the first onsettair, hes avowedlie, to the contempt of his Heynes and misregaird of his Majesteis authoritie, violat his Heynes said proclamatioun, and hes bene the first that hes gevin this example of con-
Page 292. tempt."—The pursuer and defenders appearing personally, the King and Council, having heard the declaration made by the defenders anent the said "combat quhilk fell oute betuix thame," and understanding that the said Williame was the first assailant, ordain him to be committed to ward within the tolbooth of Edinburgh, according to the said Act.

Protest by Henry Stirling of Ardoch.

Henry Stirling of Ardoch appears and gives in a copy of the letters raised by Annabell Forrestair, relict of James Sinclair of Bankis, charging him to present James Sinclair, now of Bankis, before his Majesty and Council this day, and to hear himself decerned to deliver the said James to the said Annabell, his mother, under pain of rebellion.—Annabell not appearing, Henry protests that he shall not be held farther to answer till newly warned; and the protest is admitted.

Protest by John Fergusson and others.

Johnne Fergussoun of Craigdarroch, Robert Fergussone, his son and apparent heir, Johnne Fergussoun in Corridow, Thomas Fergussoun, son of James Fergussoun in Chappelmark, Johnne Douglas in Craigmewie, for themselves and as procurators for Johnne Steuart of Montquhill and Alexander Acannan in Craigdarroch, appear and produce a copy of the letters raised by Williame Creichtoun, one of the sheriff officers of Drum-
Page 293. freis, charging them to answer this day to a complaint touching their "allegeit persute and invasioun of him with gunis and pistollettis, and hurting and wounding of him in divers pairtis of his body."—The said Williame not appearing, the said persons protest that they shall not be held to answer further till newly warned; and the protest is admitted.

Holyrood-house, 24th April.

Sederunt—Rex; Cancellarius; Neubottle; Kinlos; Advocatus; Clericus Justiciarie; Collector; Spott.[1]

To denounce Gavin Lindsay and nine others for not answering to a charge of abduction of Alison Edmeston.

Complaint by Allasoun Edmestoun, relict of Archibald Edmestoun of Wowmatt, as follows:—Upon the day of April instant, Gawin Lindsay and Lindsay, domestic servitors of Andro Edmestoun of that Ilk, Johnne Haliburtoun, brother of the goodman of Inchecarnoch,

[1] In the Book of Sederunts of this date (Fol. 18, b) "Sanchair" appears among the Councillors.

near cousin and domestic servitor of the said Andro, Alexander Nymmill, his grieve, in Edmestoun, Johnne Cryistie, his master stabler, Andro Turnatt in Ednem, Johnne Patersoun, servitors and tenants of the said Laird, Johnne Browne, servitor to the said Gawin Lindsay, Robert Young and David Edmestoun, servitors to the Laird of Edmestoun, by his special hounding out, with their accomplices, all armed, came out of the place of Edmestoun, the said Gavin Lindsay riding on the said Laird's best horse, to the complainer's house of Wowmatt, "and thair, about three houris at eftir none, entering within the said house, patt violent handis in hir, raif af hir claythis perforce, tuke hir furth of hir house, and band hir, sark allane, upoun horsbak befoir the said Gavin, binding baith hir leggis to the hors girthis, and sua caryit hir away with thame to the house of Robert Adamesoun in Listounsheillis, quha ressett the said complenair and thame, keipit hir that nicht, violentlie preissing to deforce hir; and, becaus sho wold not aggree nor condiscend to the said Gawinis filthie appetyte and desyre, thay upoun the morne, accompanyed with the said Robert Adamesoun, caryit hir thairfra, bound thortour with the said Gawin on horsbak, to ane hill heid, quhair thay band and fetterit hir, biggit hir in ane cairne of stanes, and sua left hir, hoiping that thair sho sould have bene confoundit and smoirit: quhilk had not faillit to have fallin oute wer not be the providence of God and panes and travellis of some freindis sho wer relevit. Then the saidis personis returnit bak to the said Laird of Edmestoun; with quhome thay have remanit sensyne, he thairby testifeing his approbatioun and allowance of that unhonnest fact, committing thairthrow a maist shamefull and barbarous fact, unworthie to be hard of in ony christeane kingdom."—The complainer, appearing personally, passes from the pursuit of the said Laird of Edmestoun and Robert Young; but the said Gawin Lindsay, Lindsay, his brother, Johnne Haliburtoun, Alexander Nymmill, Johnne Cryistie, Andro Turnett, Johnne Patersoun, Johnne Browne, David Edmestoun, and Robert Adamesoun, failing to appear, are to be denounced rebels.

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Robert Maxwell against Sir John Gordon of Lochinvar, for rescuing Alexander Agnew after he had been arrested for debt at the pursuer's instance.

Action by Robert Maxwell, burgess of Edinburgh, as follows:—Having been long disappointed of the payment of a debt of £1000 due to him by Alexander Agnew, brother of the sheriff of Wigtoun, he had at last apprehended the said Alexander in Edinburgh in 1598, and consigned him to ward till he found caution to answer according to law, conform to the practice observed within burgh. But, while the town officers were carrying the debtor to the tolbooth for not finding the said caution, the said sheriff of Wigtoun, accompanied by Sir Robert Gordon, apparent of Lochinvar, and all the servants and friends of Sir Johnne Gordoun of Lochinvar who were in the town for the time, came out of the said Sir Johnne's own house, and, "violentlie rusheing upoun the saidis officiaris with drawne swerdis and quhinzearis," relieved the said Alexander Agnew, carrying him to the said Sir Johnne's house, where he was resetted till the 'co moditie presentit of his convoying away."—The pursuer appearing by obert Hammiltoun, his procurator, and the said Sir Johnne being

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cta 1598-01. personally present, but Sir Robert failing to appear, and the allegations of both parties, together with the executions of Johnne Craig, Johnne Sinclair, and James Young, officers of the burgh of Edinburgh, bearing that the said Alexander Agnew was violently taken from them in manner above-written, having been heard and considered, the King and Council decern and ordain the said Sir Johnne to enter Alexander Agnew in ward within the tolbooth of Edinburgh by 20th May next, for his assurance of payment of the sum of 400 merks, "quhilk wes amicablie decreitit to be payit be the said Alexander to the said persewar" upon a certain day bygone; and, failing the entry of the said Alexander, they ordain the said Sir Johnne to make payment to the pursuer of the said sum of 400 merks out of his own proper gear.

Page 296. Understanding that the "cheiff and principall caus of the grite misreule and unquietnes of the West Marche, quhairwith his Majestie and his haill cuntrey hes bene swa extraordinarlie troublit thir divers yeiris bigane, hes procedit and flowed" from the feud between the Lord Maxwell and the Laird of Johnnestoune, his Majesty ordains them, and the said Lord's tutors and curators, if he has any, to be charged, by open proclamation at the market cross of Drumfreis, to subscribe, within six hours after the charge, under pain of rebellion, such form of mutual assurance as shall be presented to them, to endure till 1st May 1601. If Lord Maxwell shall refuse, then he is, on pain of rebellion, to find caution in £10,000, within six days after his refusal, that he shall depart this realm within 40 days after the act made thereupon, and shall not return without his Majesty's licence, and that till his departure he shall observe the King's peace, and not trouble the said Laird, his kin and friends.

Holyrood-house, 30th April. Charge to Lord Maxwell and the Laird of Johnstone to subscribe mutual assurances.

Notwithstanding the faithful promise made by Patrik Murray, son of Sir Johnne Murray of Tullibardin, that he and his said father should enter Johnne M^cEanduy in Rannach, one of the pledges for Allaster M^cGregour of Glenstrae, to Patrik, Lord Drummond, who was appointed to have the keeping of him (*ante* p. 101), yet, as his Majesty is informed, the said pledge is not delivered to the said Lord, so that not only has the said Patrik violated his promise, but occasioun is given to the Clan Page 297. Gregour to "continew in thair accustumat trade of evill doing." Accordingly, there is order to charge the said Sir Johnne to deliver the said pledge to Lord Drummond within three days after the charge, under pain of rebellion.

Charge to Murray of Tullibardine for entry of one of MacGregor's pledges.

Certain diets have been assigned during this month to Alexander, Lord of Spynie, on the one part, and to James, Master of Ogilvy, on the other part, and to Hew Campbell of Lowdoun, sheriff of Air, on the one side, and to Andro, Lord Steuart of Uchiltrie, on the other, for their compearance before the Justice in the tolbooth of Edinburgh, to underlie the laws for certain crimes specified in the letters raised against them. Now, although divers good laws prohibit all convocations at "dayis of law and justice

Edinburgh, 3rd May. Discharge of convocation of the friends of Lord Spynie, the Master of Ogilvy, Campbell of Loudoun, and Lord Ochiltree,

while they are answering before the justice in the Tolbooth of Edinburgh for certain crimes laid to their charge.

courtis" under certain pains,—especially the Act of Convention of Estates made in the month of , whereby it is ordained that "every pairty sall come to the burgh and towne quhair justice is to be ministrat accompanyit onlie with xxiiii personis, or within, in peaceable and quiet maner, and that baith the pairteis and thair companyis sall keip thair ludgeingis quhill the hour of caus, at the quhilk first the ane and syne the uther salbe brocht oute be the towne in armes accompanyit fra thair ludgeingis to the bar with the nowmer of personis prescrivit to thair rank be Act of Parliament, the contravenair quhairof, gif he be persewair, sall tyne his persute in all tyme comeing, and giff he be defendair he shalbe denunceit rebell as presumit gilty and refuseand lauchfull tryall" (*cf.* Acts of Parl., vol. iv. pp. 159, 234),—yet it appears that the parties abovewritten intend to keep the said diets with great convocations of their friends,—"quhairupoun some tumultis and inconvenientis will not faill to fall oute." Accordingly, there is order to charge the said parties to conform themselves to the said Act and Ordinance of the Estates in all points, with inhibition to all and sundry subjects by open proclamation at the market crosses of to accompany any of the said parties to "the saidis dayis of law," under the pain of incurring the "cryme of convocatioun of his Heynes liegis." Acta 1598-1601. Page 298.

Holyrood-house, 6th May.

Act for deserting the appointed diet of justice between the Lord of Spynie and the Master of Ogilvy, and for renewal of their mutual assurances.

The King and Council, "for certane caussis moving thame," ordain the justice, justice clerk, and their deputes, to desert the diet assigned for the 20th instant to the Master of Ogilvy and Lord of Spynie to underlie the laws for "the lait accident, persute and slauchter happynning amangis thame," and command intimation hereof to be made to both parties, with a charge not to repair to Edinburgh for keeping the said diet, under pain of treason. And, because the assurances which were passed between the said parties to such persons on either side as were upon the fields and assisted thame in the conflict and combat that fell out among them are now almost expired, there is order to charge all of the said parties who subscribed the assurances before to renew the same, within six hours after being charged, under pain of rebellion.

Holyrood-house, 8th May.

Sederunt—Cancellarius; Thesaurarius; Secretarius; Kinlos; Advocatus; Collector.

Charge to the Lindsays and the Ogilvys to appear before the Council on certain appointed days, to answer for their parts in the strife and slaughter that fell out between them on the 4th of March last.

Letters to be directed charging Alexander, Lord of Spynie, Sir Johnne Lindsay of Ballinsho, David Gairdin, younger of Leyis, Henry and Gilbert Ryndis, sons of Williame Rynd of Kers, David Balfour, brother of the Laird of Burley, Hary Lindsay of Blarifeddane, David Lindsay, his father-brother, Thomas Lindsay of Feisdo, Hary Lindsay, sister-son of Lindsay of Pittarlie, Mr. Patrik Lindsay, Alexander Lindsay of Fynnevin-miln, James Lyn, grieve to the Earl of Craufurde, and Andro Brydie, servitor to the Lord of Spynie, on the one part, and James, Master of Ogilvy, Sir Johnne Page 299.

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Ogilvie of Craig, Mr. David and Frances Ogilvyis, his brothers, Andro Ogilvy, brother of the Goodman of Leanoch, Williame Ogilvy, his brother, Alexander Ogilvy of Ballingarrow, James Ogilvy of Boigsyde, Johnne Ogilvy, called Reid Johnne, Alexander Ogilvy, called Blak Sandie, Johnne Ballingarrow, servitor of the said Sir Johnne, James Gordoun, Phillop Fawla, Johnne Lyoun, Thomas Cheyne, Barclay, son of Barclay of the Syde, and Patrik Guthrie of Pitmoweis, on the other side, to appear before the King and Council at Haliruidhous as follows:—viz., Lord of Spynie and his accomplices upon 13th June next, to answer for the invasion of the Master of Ogilvy and his accomplices with unlawful weapons upon 4th March last, and for the slaughter of Laurence Burne and James Irnis, servants of the said Master and Sir Johnne Ogilvy, committed at the time foresaid; and the said Master of Ogilvy and his accomplices upon 16th June to answer for the pursuit of the Lord of Spynie and his accomplices at the time foresaid, and for the slaughter of Patrik Rynd, son of the Laird of Kers, and for the wounding of the Lord of Spynie, to the hazard of his life. Both parties are charged to appear as aforesaid under pain of rebellion, and to repair to the said place in peaceable manner, accompanied only with their household men and servants, without convocation of their kin and friends, under the said penalty.

Sederunt—Cancellarius; Fyvie; Neubottle; Thesaurarius; Secretarius; Kinlos; Advocatus; Collector; Computorum Rotulator. Holyrood-house, 13th May.

David Richardson against the tacksmen of the customs for illegally imposing custom on silver imported by him.

Action by David Richardsoun, burgess of Edinburgh, as follows:—He has been lately charged by general letters obtained by the tacksmen of the customs to pay to them the custom of six stones of silver imported by him, within a certain short time, under pain of rebellion. Now, "in all cuntreyis and realmis quhair the trade of merchandice is used, it is permitted als weill to the subjectis of the cuntrey as to strangearis to bring in silver and gold at thair plesure, and that free, without payment of ony custome or uther impost or exactioun thairfoir; and in speciall within this cuntrey this trade of hame-bringing of money hes evir bene free and uncontrollit, and nane of the subjectis wer at ony time heirtofoir burdynnit with ony sic unlauchfull and unreasounable custome. Lyke as the present custumaris hes used thir chargeis aganis the said complenair without ony lauchfull warrand or authoritie, thair being na act nor ordinance establissed and sett downe anent the custome of money, nor thay haveing na A B C thairupoun." And, albeit the complainer were justly bound in payment of any custom, yet he is wrongously charged to pay for six stones of silver, because there is not so much thereof, and he is not obliged to give up the entries of the same to them. At the same time he has found caution to pay the custom of the said silver in case it shall be found that he ought. Therefore the said letters should be suspended simpliciter.—The complainer appearing personally, and Mr. Jerome Lindsay, one of the tacksmen of the said customs, by whose direction the said David was

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charged to pay the custom, failing to appear conform to the charge given him, the King and Council, understanding that the home-bringing of money has ever been free, do suspend the letters foresaid simpliciter. Acta 1598-1601.

Order to arrest ships and boats for the service of the King in his intended expedition to Kintyre.

His Majesty being "myndit, God willing, to repair schortlie to the boundis of Kintyre, acompanyit with a force of his Heynes gude and loving subjectis for reducceing of the rebellious inhabitantis thairof to obedyence, and establisheing of peace and justice within the same" (*ante* p. 99), it is necessary that he be well provided with ships, boats, and other vessels for transporting himself and his army. There is accordingly order to arrest all and sundry vessels within the west seas till choice be made of so many of them as shall be freighted for his Majesty's use. The said boats are required to be in readiness to attend for transporting the army,—for which the owners shall receive ready payment. Page 301.

Edinburgh, 15th May.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Kinlos; Advocatus; Collector; Computorum Rotulator; Clericus Registri.

Decree against Patrick Moscrop, as cautioner for Henry Sinclair of Whitekirk.

Patrik Moscrop, burgess of Edinburgh, having upon 10th May last become cautioner in £200 for Heny Sinclair of Quhytkirk, that he should answer this day before the King and Council to a complaint by Mr. Patrik Forrest, minister at Quhytkirk, and parties having been called, and Alexander, Master of Elphingstoun, treasurer, appearing for his Majesty's interest, but the said Henry failing to appear, the Lords decern the said act to have been violated by the said Henry, and the said cautioner to have therefore incurred the said pain. Accordingly, letters are to issue against the said Patrik for payment.

Protest by Sir John Carmichael of that Ilk, warden of the West March, in a matter between him and the town of Dumfries.

Sir Johnne Carmichael of that Ilk, warden of the West March, appears and gives in a copy of the letters raised by the provost, bailies, council, and inhabitants of Drumfreis, charging him to produce this day before the King and Council a commission obtained by him from his Majesty against such inhabitants of the said burgh as sell wine at higher price than 5s. per pint, in order to the suspension of the same simpliciter.—No one appearing for the inhabitants of the said burgh, Sir Johnne protests that he shall not be held to answer farther till newly warned, and that the said commission shall be executed in all points; and the Lords admit the protest. Page 302.

Mr. James Hamilton against the presbyteries of Hamilton and Glasgow for illegal prosecution of him for incest.

Complaint by James Hammiltoun, younger of Turnlaw, as follows:—Mr. Johnne Howiesoun, minister at Cambuslang, having this long time borne malice against the complainer without any just cause, has sought all indirect means to trouble and slander him. Thus, he has laid to his charge the "filthy and abhominable cryme of incest allegeit committit be him with Cristeane Craufurde, his gude suster"; and, "the bettir to bring this mater to some appeirance of a truth, he knawing the said Cristeane to be ane daft ignorant woman, he first delt and travellit with hir to have maid and gevin ane confessioun of that mater, and summond hir befoir the sessioun of Cambuslayng to that effect; and, finding in hir a constand and trew denyall eftir that he had tane hir solempnitlie sworne upoun the

Acta 1598-1601.

treuth of the mater, he then used a maist informaill proces aganis hir befoir the presbiterie of Hammiltoun, ressaved witnessis and probatioun of huseis-wyffis and beggaris, maid for the purpois, and nevir summond nor warnit the said complenair nor the said Cristeane in that proces, bot led and deduceit the same, unacquenting thame thairwith, albeit thay had just and speciall interesse to have defendit thairintill and had lauchfull objectionis aganis the witnessis produceit. And, albeit thair wes na thing

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provin in that informall proces aganis him, yit the said Mr. Johnne, continewing in his haitrent and malice, hes moved the ministeris of the presbitereis of Hammiltoun, Glasgu and Dunbartane, to summond the said complenair to compeir befoir thame, to gif his aith of veritie in this mater, undir the pane of excommunicatioun, intending in cais of his not compeirand to proceid aganis him,—maist wrangouslie, becaus it is of veritie that, albeit he be maist innocent of that cryme and is willing to submit himselff to quhatsumevir ordinair tryall accustumat in the lyke caissis, yit, seing the cryme of the awne nature is capitall, importing the hasard and perrell of his lyffe, the said complenair can not be haldin to gif his aith thairupoun, nor nane of his Majesteis subjectis may be compellit to gif thair aith in ony capitall crymes, bot the tryall of the saidis crymes ar ordinarlie be ane famous assise, quhairunto the said complener hes evir bene, as he is yit, willing to submit himselff." Wherefore, the ministers of the said presbyteries should be discharged of all proceedings against him in the said matter.—Charge had been given to the ministers of Hammiltoun, "being convenit for the tyme at thair exercise in the cheptour house of Hammiltoun," to appear before the King and Council this day to answer to the said complaint; and now, the complainer appearing personally, and the said ministers by the said Mr. Johnne Howiesoun, their procurator, the Lords, understanding that the crime foresaid is capital, "to the tryall quhairof the Justice Generall and his deputis ar onlie jugeis competent, and that the said tryall, at the leist the confessioun of pairty, sould have precedit the censuris of the Kirk," ordain the complainer to find caution in £500 within 48 hours after the charge, under pain of rebellion, that he shall underlie the law for the said crime before the Justice when charged upon

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15 days' warning, and discharge the said ministers of all proceeding against the said James in the said matter till the said trial.

Protest by the Treasurer and the King's advocate in a matter between them and Rory McLeod of Dunvegan.

Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, appear and give in a copy of the letters raised by Rory M'cleud of Dunvegane charging them to produce before the King and Council this day the letters raised by the said treasurer whereby the said Rory was charged to pay to the said treasurer the sum of 10,000 merks, in which Rory had been adjudged by a decree of contravention pronounced against him, in order to the suspension of the same simpliciter for certain reasons specified in the said letters. And now, the said Rory failing to appear, the treasurer and advocate protest that they shall not be held to answer farther till they be warned of new,

and that the said letters against Rory shall be put to farther execution in all points. The Lords admit the protest and ordain accordingly. Acta 1598-1601.

Edinburgh, 20th May.

Sederunt—Cancellarius; Mar; Fyvie; Thesaurarius; Kinlos; Advocatus; Custos Secreti Sigilli; Collector.

William Rutherford against Edward Marshall in the matter of lawburrows between them.

Supplication by Williame Ruthirfurde in Leyth, as follows:—He has been lately charged by Mr. Eduard Mairschaell, clerk of the commissariat of Edinburgh, to find caution for the indemnity of him and his in £2000, within a certain time, under pain of horning. Now, he had never offered any just cause of offence to the said Mr. Eduard, and the said charge has been raised "upoun malice and invy to put the said complenair to fasherie and trouble." Besides, the pain is "very extraordinair and grite, fer abone the panes quhilkis ar usuallie grantit upoun personis of the said complenaris rank and moyane in materis quhair thair is na deidlie feid, he being bot a meane man of small moyane, haveing nathing bot that quhilk he may procur be his trafficque be sey, and the said pane being the pane of ane erll, and not of a meane man, indueller of a towne." However, to show that he does not mean to trouble the said Mr. Eduard, he has found caution as required. In respect whereof the said charge should be suspended.—Both parties appearing personally, and Mr. Eduard having declared that he had found the like caution to pursuer under pain of £2000, and having therefore craved that both the said cautions might stand, or at least that an equality might be used in modifying the said sum, the Lords, considering that the said sum of £2000 found by both parties *hinc inde* is too great, and not according to the pains of lawburrows prescribed by Act of Parliament, modify the said sum to 1000 merks. Page 305.

To denounce John Dunbar of Avach for not answering to a complaint of John Forbes in Inverness.

Complaint by Johnne Forbes *alias* Miller in Inuernes, as follows:—Johnne Dunbar of Avach, haying conceived "haitrent and malice" against complainer because of actions between them before the sheriff of Inuernes, has this long time past sought his wreck. For this effect, "upoun ane forgeit and fals complaint," he had caused charge the complainer to appear before the King and Council: "for obedience quhairof, to his grite chargeis and expenssis, he repairit to thir pairtis and compeirit." But the said Johnne also "obtenit letters of hoirning aganis the remanent personis not compeirand; and, not being content with the said complenaris comeing heir, bot still perseveiring in his formair malice, he hes maist falslie and unhonnestlie alterit and interlynnit the saidis letters and insert the said complenaris name thairintill," and has therewith caused Alexander Nicolsoun, messenger, denounce complainer to the horn, thus debarring him from pursuit or defence in the said actions, so that for absence of defence the said Johnne has recovered decrees against him.—The complainer appearing personally, Dunbar, for failing to appear, is to be denounced rebel. Page 306.

Bellenden of Broughton against the

Complaint by James Bellenden of Brouchtoun that, upon 16th instant Johnne Watt, water bailie of Leyth, apprehended and committed to ward,

Acta 1598-1601. in the town of Leyth, Gawin Lindsay, the complainer's servant, indweller in the regality of Bruchtoun. He still detains Lindsay, who has committed no crime; nor has Watt any jurisdiction over him, as Lindsay dwells within Page 307. the regality of Haliruidhous.—Bellenden appearing by his procurator, but Watt failing to appear, the Lords ordain Watt to release Lindsay within six hours after being charged, under pain of rebellion. water bailie of Leith for imprisoning the pursuer's servant.

Sederunts, Fol. 18, b. *Sederunt*—Cancellarius; Mar; Fyvie; Thesaurarius; Neubottle; Kinlos; Advocatus; Collector; Clericus Registri; Tracquair; Custos Secreti Sigilli. Edinburgh, 22nd May.

[No record of proceedings.]

Acta p. 307. His Majesty, for certain causes moving him, dispenses with the charge given to Sir Johnne Lindsay of Wodheid to enter in ward in the castle of Edinburgh, and appoints him to keep ward be-south the Water of Forth and not to pass be-north the said Water till relieved. Holyrood, 25th May. Lindsay of Woodhead to keep ward.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Dunkeld; Advocatus; Collector; Custos Secreti Sigilli; Tracquair; Spott. Edinburgh, 27th May.

Complaint by Ludovick, Duke of Lennox, as follows:—Upon 3rd April last, Duncane Campbell, captain of Carrik, at night assembled the persons following within the house of Rosneth: viz., Hew Campbell of Tuiry, Williame Boill, Johnne M^{c}Carrais, Patrik M^{c}Carrais, Donald Moydernach, Patrik Boyll, Neill M^{c}Arthour, servitors to the said captain, Donald Campbell of Dronghie, Johnne and Robert Campbellis, his sons, Robert Campbell, his servant, Duncane M^{c}Ilvarchane, servitors to the said Donald, Neill Campbell in Drumsin, Gilbert M^{c}Neill, Johnne M^{c}Lauch-
Page 308. lane, Johnne M^{c}Callum Gair M^{c}Ilvane, servitors to the said Neill; and thereafter the said Captain, Donald Campbell of Dronghie, and Neill Campbell directed in the night all their servants foresaid to the said Duke's lands of Furloncarrie, where his servants and fishers were "fisheing in his salmond draucht in sobir and quiet maner," of purpose to have slain them; which they would have done unless by the providence of God they had escaped. And so, missing them, they took away with them most of his fishers' nets and cut the rest; "quhairthrow nane dar fishe in the said salmond draucht sensyne for feir of thair lyveis." Farther, the said Captain and Campbell of Dronghie, by themselves and their accomplices, hold waste the said Duke's lands of Mamoir, Mambeg and Furloncarrie, albeit the same be lawfully redeemed from the said Donald Campbell, and decree of removing has been obtained thereupon.—The Duke of Lennox appearing by Aula M^{c}Caula of Ardincaple and Mr. Henry Keir, his procurators, all the said defenders, for not appearing, are to be denounced rebels. To denounce the captain of Carrick and bailie of Rosneath, and others, for not answering to a charge of violence against the Duke of Lennox's fishers and servants.

Edinburgh, 29th May.

Sederunt—Fyvie; Thesaurarius; Secretarius; Advocatus; Collector; Custos Secreti Sigilli; Tracquair; Clericus Registri. Sederunts. Fol. 19, a.

[No record of proceedings.]

Edinburgh, 5th June.

Sederunt—Cancellarius; Mar; Secretarius; Kinlos; Advocatus; Computorum Rotulator; Clericus Registri; Tracquair. Acta 1598–1601.

To denounce John Sinclair for not answering to a charge of assaulting his servant.

Complaint by Gilbert Park, sometime servitor to Johnne Sinclair, sometime of Dredane, as follows:—At the Feast of Martinmas 1598, he entered in service with the said Johnne, with whom he continued till harvest last, serving him faithfully in all things. But, upon Sunday the day of last, "complenair being keiping his hors at the gres upoun the landis of Lessuade, and coming thairfra with the said hors hame to the said Johnes duelling hous in Dalkeyth," his said master, without any cause, but only because the complainer "brocht not hame to his hors honest menis cornis," assaulted him in the said house, "straik him baith with handis and feit, dang his ribis and sydis togidder, and in sic cruell and barbarous maner hes sua birsit and misusit him that he is scairslie able to draw his end or to speik: quhairthrow the said complenair hes bene sensyne continuallie in grite dolour and disease, and is not able to travell and work for his leving: lykeas the said Johnne had not faillit to have maid ane end of him wer not be the providence of God ane of the baillies of Dalkeyth come in and relevit him furth of the said Johnis hands."—The complainer appearing personally, Sinclair, for failing to appear, is to be denounced rebel. Page 309.

Edinburgh, 6th June.

Sederunt—Cancellarius; Mar; Fyvie; Thesaurarius; Secretarius; Advocatus; Clericus Justiciarie; Collector; Computorum Rotulator; Custos Secreti Sigilli; Clericus Registri; Elimosinarius.

New Proclamation for the raid to the Isles and Highlands, with order for musters of fencibles from all the burghs of the realm.

The King's Majesty is resolved, God willing, "to prosequute and hald fordwart his jornay to Kintyr and uthiris pairtis of the Heylandis and Ilis nixt adjacent, conforme to the proclamationis alreddy direct and publist thairanent, for reduceing of the rebellious inhabitantis of the saidis Ilis to obedience and a civile and peaceable forme of leving, establisheing of peace, justice, and quietnes within the same, and furtherence of payment of his Heynes propir rentis, quhairof his Majestie hes bene defraudit thir mony yeiris bigane." But "his Majesty and Counsaill undirstand that the inhabitantis of burrowis quha ar subject to the first proclamatioun hes not the pouer, habilitie nor moyane to assuir his Heynes of that concurrence in schipping, souldiouris and uthirwayes quhilk the suirtie of his Heynes persone and necessitie of that service dois require; and, thairwithall considering that the saidis Ilis and Heyland pairtis can not be randerit peaceable and obedyent bot be oppin force and hostilitie, and Page 310.

Acta 1598–601.

seing it standis not with his Heynes honnour nor suirtie of his persone to hasard himselff in thay pairtis unles his Majestie be sua substantiouslie accompanyed as he salbe able be sey and land to invade, persew and command as the occasioun salbe presentit, his Majestie thairfoir is constraned to imploy the concurrence and assistance of the haill burrowis of this realme in this sa necessair a service, importing sa heichlie his Majesteis honnour, the commounwele of the realme, and particulair benefeit of the haill burrowis, quha ar specialie interest and prejugeit in thair trade in the Ilis be the rebellioun of the inhabitantis thairof." Accordingly, there is order to charge all the fencibles between 60 and 16 years of age inhabiting the burghs of this realm, by open proclamation at the market crosses of the same, to meet his Majesty at Dunbartane upon 10th July next, provided with one month's victual, to accompany his Highness as they shall be directed, under pain of loss of life, lands and goods.

Page 311.

Understanding that "certane Dunkirkaris, enemeyis to his Heynes darrest suster, the Quene of England, hes of lait persewit and takin ane Inglish hoy laidnit with maircheandice, hes slane some of the persones being in the same hoy, and hes brocht the said hoy, with the remanent personis, guidis and geir, being thairintill, within this realme to the coist syde of Fyffe about Carraill, quhair thay intend to mak mercat of the saidis guidis and mercheandice, and to use the prisonaris according as thair cruel dispositioun sall move thame," and considering that "it standis not with the honnour of the cuntrey, the suirtie of his Heynes subjectis, nor with that mutuall intertinew of peace and uthiris gude officeis of freindship and dewitie quhilk sould be keipit betuix the twa realmis, that ony ressett, refuge, or conforte sould be grantit or shawne within his Heynes dominionis to ony personis exerciseing sic crueltie upoun his said darrest susteris subjectis," therefore the King and Council order charge to be given to all the lieges inhabiting the burghs upon the coast side of Fyffe not to reset the said Dunkirkers or their accomplices, nor to receive or buy any of the said merchandise from them, and also command to be given to the provosts and bailies of Anstruther, Carraill, and Pittinweyme, and of all other towns where the Dunkirkers shall repair, to apprehend them and present them before the King, and to stay and arrest the said hoy, so that order may be taken in the matter.

Edinburgh, 7th June. Act against resetting a "Dunkirkair," now on the Fife coast, that has lately committed depredations and slaughter on English subjects.

Sederunts, Fol. 19, a.

Sederunt—Mar; Fyvie; Thesaurarius; Secretarius; Collector; Clericus Justiciarie; Custos Secreti Sigilli; Clericus Registri; Elimosinarius.

Edinburgh. 10th June.

Acta, p. 311.

The 13th and 16th instant having been assigned to Alexander, Lord of Spynie, and James, Master of Ogilvy, and their accomplices, for their appearance before the King and Council so that order might be taken anent the "conflict and combat" which fell out between them, and both parties, as it appears (*ante* p. 106), intending to make convocation of

Discharge of convocation round the Lindsays and the Ogilvys at diets for trial of their quarrel.

their friends for accompanying them to the said diets, notwithstanding the acts made in the contrary, especially the Act of Convention of Estates passed in June 1598 (Acts of Par., iv. p. 158), there is order to charge them to comply with the said act and ordinance in all points, under the pains contained therein, and also to command all the lieges, by open proclamation at the market cross of Edinburgh, not to accompany any of the said parties to the said diets, under the pain of incurring the crime of making convocation of the lieges. Acta 1598-1601. Page 312.

Edinburgh, 12th June.

Sederunt—Fyvie; Thesaurarius; Secretarius; Clericus Justiciarie; Collector; Custos Secreti Sigilli; Clericus Registri; Tracquair; Elimosinarius.

Decree against William Craig, master-brewster to the King, for payment of a debt to John Simson.

Action at the instance of Williame Craig, master brewster to his Majesty, as follows:—Johnne Simsoun, servant to the Laird of Weddirburne, alleging that he has obtained a decree against the complainer before the masters of the King's household, ordaining him to pay to the said Johnne £6, 3s. 4d. for each boll of 22 bolls of bear alleged to have been bought and received by the complainer from him, has thereupon procured letters charging him to pay the said sum within a certain time, under the pain of horning. Now, the said decree is most wrongously pronounced against him, he having never been called before the granting thereof, and there "being na write nor securitie upoun the bying of the said victuall, nather ony probatioun used in that mater." He never bought any victual from Simsoun; but the said Laird of Weddirburne, having been denounced at the complainer's instance for not paying him the prices of certain victual for furnishing his Majesty's house, directed Simsoun to pay the complainer; "quha, in name of his said maister, deliverit to him xxii bollis beir in parte of payment of the sowmes addebtit to him as said is." However, for obedience, the complainer has found caution for paying the said sum in case it shall be found that he ought.—Both parties appearing personally, the Lords find the letters foresaid executed against Craig for payment to Simsoun of the prices foresaid of the victual to be orderly done, and ordain the same to be put to farther execution. Page 313. Page 314.

Holyrood-house, 14th June.

Sederunt—REGE PRESENTE—Cancellarius; Angus; Mar; Thesaurarius; Uchiltrie; Secretarius; Advocatus; Tracquair; Spott; Elimosinarius.

Lord Sanquhar's tenants against the Laird of Johnstone, for redress of their skaiths: Decree in their favour.

Action at the instance of Katherene Aitkin, widow in Burnesyde, Jonnett M°Millane, widow in Brig, Johnne Park in Merchedyke, Eduard Aitkin, brother of the said Katherene, there, Bessie Blaikwode, widow in Lochburne, Jonnett Pagyeane in Dumanie, Johnnie M°Math in Purik, Johnne M°Call, Johnne Huik, Robert Dobie, Johnne Russell in Hurlbirs, Johnne Hair in Guffokland, Eustiche Creichtoun in Bar, Johnne Blak in Sanquhair, called Johnne of the Know, Robert Davidsoun, merchant in Sanqu-

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'age 315.

hair, Eduard Blak in Mekle Carco, and Williame Jardane, younger of Thornik, tenants of Robert, Lord Sanquhair, as follows:—Sir James Johnnestoun of Dunskellie had become bound that he and those for whom he is answerable should keep good rule in the country. Now, the persons underwritten, tenants and servants of the said Sir James, were decerned by the King's lieutenant, in his court held at the castle of Douglas upon 22nd December 1599, to make payment and redress as follows:—(1) Jok Johnnestoun of Howgill, Jok Johnnestoun, his son, Davie Johnnestoun in Kirkhill, Gibbie Johnnestoun, his son, Rob Johnnestoun in Kirkhill, Will Johnnestoun, son of Jok in Kirkhill, Thome Johnnestoun in the Miln, Nickie Johnnestoun, his brother, Thome Johnnestoun, called Martyn's Thome, Gibbie Johnnestoun in Rigshaw, Jok and Jamie Johnnstonis, sons of the deceased Will Johnnestoun in Kirkhill, to pay to the said Katherene Aitkin 200 merks for the burning of her houses of the Burnesyde and insight therein by them in September last; to the said Jonnett M°Millane, £400 for their burning at the time foresaid of her house of "twa hous hicht with a laich hall, certane uthiris houssis, and hir haill insicht, and a grite quantitie of insycht pertening to hir nychtbouris that wes putt in hir house for saulftie"; to the said Johnne Park, 15 kye, worth £20 each; to the said Katherene and Eduard Aitkyns, 13 kye, worth £16 each, 3 "codochis," worth £5, 6s. 8d. each, a gray mare, worth £40, a white gray nag, worth £30; to the said Bessie Blaikwode, 3 kye, worth £16 each, and a "codoch," worth £5, 6s. 8d.; to the said 6 kye, worth £16 each, 3 "codochis," worth £5, 6s. 8d. each; to Jonnett M°Millane, 10 kye, worth £16 each, 3 "codochis" worth £5, 6s. 8d. each; to Jonnett Pagyeane, a mare, worth £13, 6s. 8d.; to Johnne M°Math in Courik, 10 kye, worth £13, 6s. 8d. each, 7 young nolt, worth £6 each; to Johnne M°Call, 8 kye, worth £14 each, a mare, worth £13, 6s. 8d.; to Johnne Huik, a young cow, worth £8; to Robert Dobie, 13 kye, worth £16 each, 2 "codochis," worth £5, 6s. 8d., each. (2) Mungo Johnnestoun of Locarbie, Willie and Francie Johnnestonis, his sons, Andro. Johnnestoun, called Grenesyd's Andro, likewise tenants of Sir James, were decerned to make redress to the said Johnne Russell of a gray mare, worth £40; to Johnne Hair in Guffokland, 2 horses, worth £20 each, 16 stones of iron, worth 33s. 4d. each, 8 stones of lint, worth £4, 10s. each, a sword, 2 sacks, the spuilyie of his clothes and other gear, estimated at £13, 6s. 8d.; to the said Eustiche Creichtoun, a nag, worth £10, 4 stones of lint, worth £4, 10s.; to the said Johnne Blak, 2 mares, worth £20 each, 4 stones of lint, worth £4, 10s. each, —item, his cloak, his clothes, 2 new "seckis," and the rest of the spuilyie, estimated at £20. (3) Jok Johnnestoun of Howgill, Jok, Jamie, and Willie Johnnestonis, his sons, Thome Johnnestoun, called young Thome of Finglen, Sym and Rob Johnnestonis, brothers of Finglane, likewise tenants of the said Sir James, were decerned to pay to the said Williame Jardane 600 merks for the "sworne availl" of 8 horses of Nether Thornik, and his "insicht, cornis and beir," treasonably burnt by the said persons in

October last, together with 32 sheep and certain insight reft at that time. (4) The said Mungo Johnnestoun of Locarbie, Willie and Francie Johnnestonis, his sons, and Andro Johnnestoun in Grenesyde, the said Laird of Johnnestoun's men, were decerned to make redress to the said Robert Daviesoun of a brown nag, with a saddle, sworn to be worth £16, together with certain silk pasments, buttons and other gear, sworn at £13, 6s. 8d., reft from him at the Midding Coittis in October last. (5) Rob Haliday, man to Cristie Armestrang of Barnegleishe, servant of the said Laird of Johnnestoun, was decerned to make redress to the said Eduard Blak of 35 sheep stolen furth of the lands of Mekle Carco in December 1598, price of each 40s., and £20 of "saw silver." The complainers can get no execution of the said decreets, albeit the said Sir James has often promised in his Majesty's presence to see the same satisfied at the desire of the said Lord Sanquhair, their master.—The complainers appearing by the said Lord, their master, and the said Laird of Johnnestoun being also present, but his said tenants not having been entered by him conform to his band, the King and Council decern him to make redress for the above goods at the prices specified.

Acta 1598-1601. Page 316.

Page 317.

Charge for the trial of Ross of Ballivat, suspected guilty of divers crimes.

Johnne Ros of Ballivat having been in ward in the tolbooth of Edinburgh as "suspect gilty of divers haynous crymes," his Majesty had caused deliver him to Alexander Dunbar of Cumnok, sheriff of Murray, commanding the said Sheriff to put Ros to the knowledge of an assize for the said crimes, "and in speciall for certane notour crymes and offenssis committit be him, quhilkis not onlie imported the hasard of his lyffe, bot alsua of his landis and heritage, and to caus execute him to the deid thairfoir." Nevertheless, nothing is yet done in that matter. Therefore order is given to charge the said Sheriff to try the said Johnne and cause justice be administered to him according to direction, within three days after the charge, under pain of rebellion, or else, upon the sixth day after the charge, to enter Ros in the tolbooth of Edinburgh.

Page 318.

Band for the Laird of Johnstone.

Sir James Johnnestoun of Dunskellie appears before the King and Council, and promises to enter Symon Johnnestoun, brother of the late Johnne, Commendator of Saulsett, and Johnne Johnnestoun, student, in the possession of the lands and fortalice of Courance and half lands of Over Garvald, lying in the parish of Garvald and shire of Drumfreis, within 48 hours after the home-passing of Sir James to Annanderdaill, and that he and those for whom he is answerable shall not trouble the said persons in the peaceable possession of the said lands, under the pains wherein Sir James has found caution to be answerable.

Holyrood-house, 17th June.

Sederunt—Cancellarius; Mar; Uchiltrie; Fyvie; Neubottle; Thesaurarius; Secretarius; Kinlos; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Collector; Computorum Rotulator; Spott; Elimosinarius.

Complaint by Mr. Walter Steuart, schoolmaster of Dunkeld, that, upon

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the day of , Rory Neinchonchour in Balnakillie, James Dow M°Handan, his son, and Margaret Reid in Argie, with others, "all brokin men and lymmaris," came to pursuer's lands of Balnakillie, and, finding Johnne M°kghie, his servitor, there, assaulted him, leaving him for dead.—The pursuer appearing by Archibald Douglas, macer, his procurator, the defenders, for not appearing, are to be denounced rebels. To denounce Rory Nenchonchor and others for not answering to a charge of assault.

'age 319.

Archibald Douglas, son of Williame, Earl of Mortoun, appearing as procurator for his said father, gives in a copy of the letters raised by James Wricht charging the said Earl to enter Robert Cowdoun, burgess of Dalkeyth, in ward in the tolbooth of Edinburgh within three days after the charge, under pain of rebellion. As the said James Wricht does not appear, Douglas protests that the said Earl shall not be held to answer farther till again warned, and the protest is admitted. Protest in favour of the Earl of Morton.

'age 320.

Action by Johnne Williamesoun of Ovirhall in Glengirth, as follows:— In November last, Sir James Johnnestoun of Dunskellie became bound that he and his men should observe the King's peace, and should redress parties skaithed by the entry of offenders or by payment of the complainers' bills. Now, upon 15th May 1599, James Johnnestoun of , tenant of James Grahame of Langboddum, who is the said Sir James's servant, reft from the complainer fifteen ewes; again, upon penult day of October last, Johnne Johnnestoun, called Howgill's Jok, Gibbie Johnnestoun, called Howgill's Gibbie, Davie Johnnestoun of Howgill, Nicol and Thome Johnnestonis of the Miln, Jok Johnnestoun of Staywode, Jok Johnnestoun of Finglane, Thome Johnnestoun, called Martyn's Thome, Johnnestoun, his son, all tenants of the said Sir James, and persons for whom he is obliged to answer, stole from the complainer twenty-four kye and their followers, with thirty horses and mares, and the whole insight and plenishing of four houses, estimated at . Of the said goods the complainer can get no restitution unless Sir James be compelled to make redress.—The complainer appearing personally, but Sir James neither appearing not having entered the said persons as charged, the King and Council ordain the Laird of Johnnestoun to make redress to the complainer of the goods abovewritten or the prices thereof, and also to remove his said tenants and servants off his lands, conform to the tenor of his said band. Decree against the Laird of Johnstone for skaiths committed by his men.

'age 321.

As the office of warden of the West March is now vacant "be the lait barbarous and cruell murthour of umquhill Sir Johnne Carmichaell of that Ilk, knycht, lait wardane and justice of that Marche,"[1] his Majesty, "being resolved with all convenient expeditioun to repair to the said Marche, alswele for the dew prosequutioun and punischeing of the murthouraris of his said wardane as for the setling of thay boundis undir his Majesteis obedience, and willing in the meantyme that the default of ane officeair and wardane sall not be occasioun of forder Lord Herries appointed warden of the West March in succession to Sir John Carmichael, just murdered.

[1] Sir John Carmichael, who has figured so considerably in the pages of the Register for a good many years past, had been murdered, on the day preceding that of the present entry (June 16, 1600), by a gang of the Armstrongs, while he was on his way to Lochmaben to hold court as Warden of the West March.

enormiteis within the said Marche, nor stay the ordinary redres and meittingis with the opposite Marche and officearis thairof," constitutes William, Lord Hereis, warden and justice of the said March, with all the honours, fees, and casualties pertaining to the said office, giving him full power and commission to hold courts within any part of the said wardenry, and generally to do all and sundry things proper and competent to the office of a warden. Publication hereof is to be made, with charge to all and sundry earls, lords, barons, gentlemen and others within the said bounds to obey and assist the said warden in all things concerning the said office. This commission is to continue till his Majesty's repairing to that country, and during his will and pleasure. Acta 1598-1601. Page 322.

John Reid against Mure of Caldwell for sundry acts of wrong and oppression: Decree against Mure, with order for his warding.

Complaint by Johnne Reid, feuar of the forty shilling and five penny land of the lands of Kittoksyde, as follows:—Upon the calling of the action at his instance against Robert Mure of Cauldwell for the oppression committed upon the complainer, 11th June 1597, by the said Robert's three sons, James, William, and Johnne, accompanied with his servants, Johnne Glasfurde, James Mure, Robert and Johnne Couperis (*ante* p. 100), Walter, Commendator of Blantyre, answered that he had taken up that matter, "and sua stayed the said complenair fra justice then, as he hes continewalie sensyn." This has encouraged the said Robert to continue still in his reiff and oppression; for, upon 21st March before sunrise, he came himself to Kittoksyde, with a company of 100 men, armed with lances, spears, swords, and other "feirfull wapponis," thinking to have taken the complainer in his house and slain him, "and send to that effect before him Alexander Mure, his bastard brother, Robert Kincaid, Johnne Galbraith, his suster-sones, Robert and Johnne Craigis, and to the nowmer of fourty ma as principallis, the Laird of Ralstoun, elder, and Michaell Stewart in Rutherglen, with the rest abone writtin, quha brak up his duris and kistis, and the kistis of his sones and dochteris, Johnne, James, and Beatrix Reidis; quha, quhen they fand him not, reft frome his servandis his foure pleuch horse, ane chalder of meill, fourty bollis seid aitis, with his claithis and bed claithis, worth ane hundreth pundis money, with twa swordis, twa lances, his aix and haill inspreth, with all his sones and servandis wapponis, as thair swordis and quhinzearis; also, frome Johnne and James Reidis ane chalder of meill and ane chalder of seid aittis, with thair claithis and pursis, quhairin wes ane hundreth pundis or thairby; lykwise, fra his dochter Beatrix Reid threttie elnis of fyne cullourit claith, price of the eln fyve pundis, and four score elnis of lynnen, price of the eln xiiis. iiiid.: the quhilk stuff and claithis, besydis burdyngis caryed away upoun menis bakis and horssis, did extend to fiftie thrie laidis and ma; the quhilkis were all caryed away be the saidis Robert, his servandis and thair horssis. And now laitlie, upoun the twenty four day of this last moneth of Marche, the said Laird of Cauldwell and his servandis reft fra the said complenair ten ky and ane bull, and reft fra Johnne Reid, his sone, thrie laidis of seid corne, with ane young hors;—quhairby he and his children are not [only] utterlie herreit, bot Page 323.

cta 1598-301.

lykewyse is his haill land lyand rid unsawin, and his wyff and bairnis put to the dure to beg thair meit, for in the house they have left thame nowther meit nor bedding."—The complainer appearing personally, with James King, his prolocutor, and Robert Mure of Cauldwele and Johnne Mure, his son, being also present, the said defenders produce a decree given against Reid before Johnne Galbraith, Mure's own bailie of his lands of Kittoksyde, ordaining Reid to pay to Mure 733 merks 4s. 5d.,

'age 324.

which Reid had promised to pay to Mure for the composition agreed upon between them for a confirmation of Reid's infeftment of his part of the lands above specified. According to the said decree and precept raised thereupon, Mure alleges that he had lawfully comprised part of the goods libelled for the said sum. The Lords, having considered the said decree and precept, and finding that Mure had no power to call Reid in his own court or to poind or comprise his gear for any sums due to him by promise, but only for his own ferms and duties of his lands, refer the quantity of the goods reft from Reid and his family as aforesaid to his oath of verity. Accordingly, Reid, "being deiplie sworne thairupoun before the saidis Lordis," depones to the loss of three mares, worth £100, a horse, worth 50 merks, a "staig" of two year old, worth 20 merks, 12 bolls of meal, worth 10 merks each, 40 bolls of seed oats, worth 11 merks each, half a chalder of meal belonging to his said sons, price of the boll 10 merks, five milk cows and five yeld cows, belonging to himself, worth 20 merks each, a bull worth £10, the clothes and habiliments belonging to himself, his daughter, and servants, comprehending the coloured and linen cloth abovewritten, worth £100, together with his swords, lances, and "inspreth" abovewritten, worth £10, with £20 reft from the said Johnne Reid, his son, and £4 from the said James Reid, also his son. The Lords therefore ordain Robert Mure of Cauldwell to restore the said goods abovewritten, or else to pay the foresaid prices thereof. Farther, in respect of the "contempt and offence done to his Majestie be the said Robert," by his causing "the particulair oppressionis abonewrittin," order is given to commit him to ward within the castle of Edinburgh.

'age 325.

Sederunt—REGE PRESENTE—Cancellarius; Mar; Uchiltrie; Fyvie; Neubottle; Kinlos; Thesaurarius; Secretarius; Advocatus; Collector; Clericus Justiciarie; Cesfurde; Custos Secreti Sigilli; Clericus Registri; Spott. Holyrood-house, 18th June.

Alexander, Lord of Spynie, and James, Master of Ogilvy, "being callit and convenit befoir the Kingis Majestie and his Counsale for the slauchteris, mutilationis, and utheris inconvenientis committit *hinc inde* in the lait conflict quhilk happynnit and fell out betuix thame," and they "haveing, alswele be word as write, gevin a plane confessioun of the slauchteris committit on ather syde," it is ordained that the Lord of Spynie and his accomplices shall be committed to ward in the burgh of Lynlithqu or be-west the same, not passing be-north the Water of Forth, and the New charge to the Lindsays and the Ogilvys to keep ward in certain places till the diets appointed for their trial.

Master of Ogilvy and his accomplices within the burgh of Hadingtoun or be-east the same, not to pass be-north the said Water. They are required to keep ward in the said places, and not to come to the burgh of Edinburgh for keeping the diets assigned for their trial till they receive his Majesty's direction in that matter,—the diet for the trial of the Lord of Spynie and his accomplices being appointed to be held upon 15th July next, and that for the trial of the Master of Ogilvy and his assisters upon 17th July. There is also order to charge Lord Spynie to find caution in £10,000, and Williame Stewart, brother of the Earl of Athoill, and Gairdin, younger of Leyis, each in £2000, that they shall enter in ward within the bounds foresaid within 48 hours after the charge and shall not quit the same till they have his Majesty's direction anent their coming to trial at the day foresaid. Charge to be given to the Master of Ogilvy and his accomplices to find caution to the same effect in £10,000. Both parties to find the said caution within 24 hours after the charge, under pain of rebellion. And, because some of Lord Spynie's accomplices "ar not heir present," charge is to be given to them, and also to Hary Lindsay of Kinfawnis, and Mr. David and Frances Ogilveyis, to appear before the King and Council upon 26th instant.

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Holyrood-house, 20th June.

Sederunt—Cancellarius; Cassillis; Fyvie; Thesaurarius; Secretarius; Blantyre; Kinlos; Advocatus; Clericus Justiciarie; Collector; Comptroller; Custos Secreti Sigilli; Cesfurde; Tracquhair; Elimosinarius; Spott.

The Treasurer against Ross of Balnagown, requiring him to answer for his men.

The King and Council, with consent of George Ros of Balnagowne, assign the 6th November next to the said George for the entry of the persons underwritten, conform to the charge executed against him, and against Johnne Lowry and Thomas Ros, burgesses of Edinburgh, his cautioners (*ante*, p. 54), by virtue of letters raised by Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate. They are William Ros of Easter Gany, Thomas Ros in Skyell, Alexander Vaus in Rarehis, Williame Ros, burgess of Tayne, Alexander Hay there, William Corbett there, Johnne Reid Andersoun, Donald Tailliour there, Ewer Wrycht there, William M^{c}Culloch there, Kennoch M^{c}Kennoch *alias* M^{c}Lewis in Little Tarrie, Thomas M^{c}William M^{c}Thomas in Catboill: for all of whom the Laird of Balnagowne and his said cautioners became bound, upon 10th July 1595, in 10,000 merks, that they would answer touching their lying at the process of horn executed against them at the instance of Abrahame Deuair, burgess of Birhame, and touching redress to be made to the said Abrahame of the goods reft by them from him, or else the prices thereof, specified in the said letters of horning. There is certification to the said Laird that, if he fail to enter them upon the said day, he and his said cautioners shall be decerned to have incurred the said pain.

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Acta 1598–1601.

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Angus; Cassillis; Mar; Glencairne; Uchiltrie; Urquhart; Newbottle; Kinlos; Blantyre; Murdocairny; Secretarius; Thesaurarius; Clericus Registri; Clericus Justiciarie; Privy Seal; Computorum Rotulator; Advocatus; Tracquhair; Cesfurd; Spott; Elimosinar. Holyrood-house, 27th June.

The King and Council understanding that as yet no order is taken with Johnne, Lord Maxwell, anent "the gude rule" of himself and those for whom he is answerable, and seeing the West Border cannot be rendered peaceable till the said order be taken, charge had been given to the said Lord to appear before them this day to answer to the said complaint, and farther to answer touching his repairing to Nithisdaill,—there being no assurance between him and the Laird of Johnnestoun,—expressly against the commandment given to him for his remaining in company with Johnne, Lord Hammiltoun, under pain of rebellion. And now, the said Lord failing to appear, the order is to denounce him rebel. To denounce Lord Maxwell for not appearing to answer for the good rule of himself and his men on the West Border.

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Supplication by Sir James Johnnestoun of Dunskellie, as follows:—A decree was pronounced by the King and Council declaring his assurance to the Laird of Drumlangrig to have been violated, and that therefore he had incurred the pain of perjury and defamation (*ante*, vol. v. p. 456). Now, the assurance "being tane be his Majestie, and nawyse proceiding upoun the sute nor desyre of the pairtie, and thair being divers brekis committit be the pairtie upoun him in the meantyme of the said assuirance," the said Sir James had lawfully given up the said assurance, and made intimation Holyrood-house, 28th June.[1] Act in favour of the Laird of Johnstone, relieving him from the sentence of perjury and defamation in the matter of his assurance to the Laird of Drumlanrig.

[1] Again we have to note the absence of all trace in the Register of an event so important as the meeting of a Convention of Estates for a special purpose. The omission is the more remarkable because of the similar omission of all record of a preceding Convention of Estates at Perth in March last (*ante*, p. 100, footnote), and the very imperfect registration of the Acts of the Convention of Estates that had met in Edinburgh in December 1599 (*ante*, p. 63, and footnote). For information as to these three Conventions we have to go to the preserved correspondence of the period between Scotland and England; and Tytler seems to be the only Scottish historian that has paid due attention to that information. From the English State Papers, and from Tytler's digest of them, we learn that for some months King James's thoughts had been occupied with consideration of practical means for securing, in every contingency and against all possible obstacles, his succession to the English throne after Elizabeth's death. In the *Calendar of English State Papers relating to Scotland* we hear, under date Nov. 1599, of "Ane generall Band voluntarilie maid be the guid subjectis of ye King's Majestie for the preservacion of his Hienes persoun and persuit of his undoubtit richt to the crownis of Ingland and Irland." What was the extent of this voluntary engagement among the subjects does not distinctly appear; but it does appear that what the King had set his heart upon, as the only efficient agency for his purpose, was a large supply of money, to be employed not only in foreign embassies in aid of his succession, but also in preparing a sufficient armed force within Scotland to overawe the English, should that be necessary, when the time came. Hence the three successive Conventions of Estates. The subject had been broached in that of December 1599 at Edinburgh, but not very successfully. The only officially recorded Act of that Convention, as we have seen (*ante*, pp. 62–63), had been that citing previous Acts for the effective arming of all ranks of the lieges, and enjoining them all to buy the necessary armour from Sir Michael Balfour of Burley as the commissioned importer of arms from abroad; and it is from the English correspondence that we learn that

of the fact as well to his Majesty as to the Lord Uchiltrie, lieutenant for the time, long before the break of the assurance. "And, albeit the said upgeving wes ane sufficient exoneration towardis the pairtie, and fred and relevit the said Sir James of ony cryme of perjurie or defamatioun be the allegeit brek thairof, yit, his Majestie being moved with his presumptioun and offence done to his Heynes onlie in presumeing to gif up ane assuirance to his Majestie, and undir pretence thairof to revenge his awin particulair upoun his Heynes subjectis, quha sould be protected be his Heynes authoritie, his Majestie thairfore, for repressing and eschewing of the lyke presumptioun and insolence to be committit heireftir, and for dew reparatioun of the contempt and indignitie done be the said Sir James to his Heynes, and not for ony brek or unhonnestie committet be him aganis the pairtie, decernit and ordanit the said decrete to be pronuncet aganis the said Sir James in maner foirsaid." Johnnestoun humbly desires therefore that, in these circumstances, he may have an Act of Council passed in his favour. Accordingly, the King and Council declare that, notwithstanding the said decree pronounced by his Majesty Acta 1598–1601.

the King had demanded from the same Convention a general tax on the cattle of the country, that this had been refused, and that the question of some other taxation had been deferred to another Convention. The question so deferred was taken up in the Convention at Perth or St. Johnston's in March 1600, when another financial scheme of the King's was discussed; but again there were difficulties, and the question was adjourned to a third Convention to be held on the 20th of June. It is this third Convention, spreading over some days between June 20 and June 29, that inserts itself at our present point. The summary of the proceedings, as given in an abstract of a letter from George Nicolson, the English resident in Edinburgh, to the English minister Sir Robert Cecil (*English Calendar of State Papers*, p. 783), is as follows:—"The Convention summoned by the King: His harangue for money for his honourable entering to the Crown of England after the death of the Queen: Speech of the Lord President [Fyvie] about the wealth and power of England and poverty of Scotland: The King's exceeding anger: Mr. Edward Bruce's speech: The speech of Gowrie about the money to be voted to the King: The King's rage and dismissal of the Convention: His threats to the Barons and Burghs." A fuller account, based on Nicolson's letters to Cecil, will be found in Tytler. Lord President Fyvie, says Tytler, courageously led the opposition to the King's demands for a large taxation for military levies, maintaining that any attempt to secure the King's succession in England by military demonstration or conquest was absurd in itself, and beyond all the calculable resources of a country so poor as Scotland; and, though Mr. Edward Bruce, Commendator of Kinloss, argued for the King's views, Fyvie's opinion prevailed, supported as it was by the majority of those present, and especially by the Lesser Barons and Burghs. An incident of the Convention made specially memorable by subsequent events was the appearance in it of the young John Ruthven, third Earl of Gowrie, who had returned to Scotland only in the preceding month after long residence abroad, and had been the object of a good deal of curiosity even in that short space of time. His speech in the Convention, noted in the above abstract of Nicolson's letter, gave greater offence to the King, it seems, than even Fyvie's. It came nearly at the close of the Convention, when the King, indignant at an offer of only £40,000 Scots from the Barons and Burghs, and that conditionally, insisted, according to Tytler, that there should be a vote whether there had not been an understanding in the previous Convention at Perth that he was to have 100,000 crowns, to be raised in a particular manner. The young Earl of Gowrie, Tytler says, declared that, not having been present at the Perth Convention, he could not tell what had occurred there, but went on to argue strongly that the offer of £40,000 was sufficient, and that any attempt to raise the higher sum would be hopeless in itself and dishonourable in the end to all concerned. The young man's boldness astonished the audience and became a subject of remark all about the Court.

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against Johnnestoun, he has not in any point broken the assurance to the party, and has not incurred the said pain of perjury or defamation,—which was only "irrogat to him for his offence done to his Majestie,"—and therefore restore him to his fame and honour, ordaining him to be held an honest and faithful man. Letters of publication to be directed hereupon.

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Angus; Mar; Uchiltrie; Fyvie; Newbottle; Kinlos; Blantyre; Murdocairny; Cesfurd; Spott; Secretarius; Justice Clerk; Privy Seal; Collector; Elimosinar. Holyrood-house, 1st July.

This day Johne (Bothwell), Abbot of Halyrudhous, is admitted and sworn as one of the Lords of his Majesty's Privy Council, in place of the late Sir Johne Carmichaell of that Ilk.

Act for the importation of a hundred families of strangers skilled in the making of woollen cloth, in order to promote that manufacture in Scotland: With the privileges to be granted to such strangers.

"Forsamekle as ane of the grite caussis that hes procurit the povirtie of this cuntrey, and the incres of sa mony sturdy and idill beggaris, hes bene that heirtofoir thair hes nevir ony cair or diligence bene taikin upoun sic commoditeis as the cuntrey itself yeildis, [? so that] the puir may be put in werk, and they be thair labouris may be sustenit; bot, be the contrair, quhairas the cuntrey hes offerit mony guid occasionis for the intertenyment of the puir, with ane particulair benefite besyde to everie subject, yit the samyn hes bene in tyme bigane sa fer neglectit that uther realmes and cuntreyis, haveing our commoditeis transportit to thame, hes in tyme bigane forceit us to by the samyn fra thame bak agane, and they haveing bot a litle bestowit thair panes and labouris and ryping thairby inestimable proffeit; and, as mony particulair examplis ar able to be gevin heirof, sua this inconvenient is maist evident be the transporting of woll furth of the cuntrey: be the quhilk nocht onlie micht the haill beggaris, gif the samyn wer retenit, be put to work, bot also the commounwelth micht rype sic benefeit as uther oure nychtboure cuntreyis dois be the lyke, and every subject mycht have the bying of it at ane far lawer price nor the samyn hes heirtofoir gevin, besydis his Majesteis custome in grete quantitie, in maner eftir specifeit: and becaus that the unskilfulnes of our awin people heirtofoir, togidder with the unwillingnes to suffer ony strangeris to cum amangis thame, hes bene ane of the caussis that hes hinderit this guid work, they being unhable, without the help of strangeris quha ar bettir acquent with that tred, to attene to ony perfectioun in that work:—thairfore, oure Soverane Lord and Lordis of his Prevey Counsale, to the effect that the said purpois, sa oft heirtofoir intendit and as yit haveing na guid succes, may at the last have ane prosperous begynning, for signefeing of thair willing myndis and intentioun to have that mater prosequute, have gevin and grantit full pouer and libertie for ane hundreth famileis of strangeris, being cloth-wirkeris of thair tred, to transporte thameselffis within this cuntrey. And, becaus of thair ignorance of thair native language, it salbe lesum to thame to have ane

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minister or pastoure quha sall teich to thame the worde of God in thair awin language, provyding that he aggreis with the religioun presentlie proffest within this realme, and on nawyse expone himselff to ony point of discipline of this present Kirk. And, the rather to move the saidis strangeris to repair hidder, it is declairit that the maister of every ane of the saidis hundreth famileis salbe, immediatlie eftir his comeing within this cuntrey, naturalizeit and maid frie denisen of the samyn, and within ilk burgh that he sal happin to remane with his familie salbe frie burges thairof, injoy and bruik all privelegeis and immuniteis as ony uther burges quhatsumevir, native borne subjectis within this realme. And, becaus the saidis hundreth famileis, be thair hidder transporting, wilbe dryvin to grete and exhorbitant chargeis, besydis the lose of that tyme befoir that they be heir weill setled, thairfore oure said Soverane Lord and his Counsale hes exemit the saidis famileis, during the space of ten yeiris eftir thair repairing to this contray, of all taxationis and impositionis quhatsumevir, watcheing, wairding, skatting, loitting, or ony uther maner of burding quhatsumevir that may be laid upoun thame during the said space: and ordanis letters of publicatioun to be direct heirupoun in forme as effeiris." Acta 1598–1601.

To denounce Thomas Jarden and eight others for not answering to a charge of spuilyie.

Complaint by Thomas Hervie, Englishman, servant to Mr. Bilmure, partner of the lead-mines, and Johnne Flemyng, bailie of Biggar, as follows:—Upon 12th June last, the said Thomas had delivered to the said Johnne in the Leadhill a coffer, locked and banded, with divers costly habiliments and precious jewels, belonging to the said Thomas, for carriage to Biggar. But, while the said Johnne was convoying the same towards the said town, accompanied only with the carrier thereof, Thomas Jardane, elder of Birnok, Umphra and Alexander (? Malcome) Jardanis, his sons, tenants of Jardane of Apilgirth, Thomas Jeardane, son of the said Thomas, Mungo Carmichaell in Craufurde, Patrik Bek there, Page 331. tenants and servants of William, Earl of Angus, his Majesty's lieutenant, Malcolme Baillie in Hilend, tenant of William, Earl of Mortoun, Johnne Carmichaell in West Yett of Wostoun, James Carmichaell there, tenants of Sir Johnne Carmichaell of that Ilk, warden, Johnne Carmichaell in Corsbank, tenant of Mark, Lord of Newbottle, and Robert Johnnstoun, servant of Archibald Johnnstoun, merchant, burgess of Edinburgh, with others to the number of twelve persons, all armed with swords, lances, and pistolets, having been advertised of the said complainer's diet, lay in wait for Flemyng at Abingtoun; where they "umbeset and persewit the said Johnne in his hie way and passage, and violentlie reft and tuke fra him the said coffer with the haill geir being thairintill."—Charge had been given to the said Thomas Jardane of Birnok, Umphra and Malcome, his sons, Johnne Carmichaell at the West Yett of Woustoun, Patrik Bek, Mungo Carmichaell in Crafurd, Thomas Jardane in Glencapill, Malcome Baillie in Hilend, and Robert Johnnstoun in Glengonair, to appear and answer to this complaint; and now, the pursuers appearing personally, but none of these defenders, the order is to denounce them rebels.

Acta 1598–1601.

Action by the town of Banff against Walter Currour of Inchdrewer for compelling them to find lawburrows to him : Decree in the same.

Action by the provost, bailies, and council of Banff, as follows :— Walter Currour of Inchedrour, alleging that they and the inhabitants of the said burgh trouble and oppress him and his tenants in the possession of certain lands, called the Common Lands, belonging to him, lying beside the said burgh, "be allegeit halding and pasturing of thair bestiall and guidis, casting of faill, fewall and dovettis thairupoun, making of roidis, gaittis and passageis throw the landis, and taking of sand, stanes and wair furth thairof," and that complainers had caused charge him to find lawburrows to them under certain great pains, has procured letters ordering them, as representatives of the whole inhabitants of the said Burgh, to find caution for themselves and the whole community thereof that he shall be harmless of them, under pain of rebellion. Now, the complainers cannot be answerable for the whole town, they being "onlie magistratis and officiaris of the said Burgh, removable fra thair officeis everie yeir at Michaelmes, at quhilk tyme thay ar bot privat personis, haveing na forder commandiment within the said towne nor the meanest persone of rank and calling within the same." Besides, there are sundry barons and gentlemen, "duelland to landwart," who, "upoun luif quhilk thay beir to thair towne, without ony forder respect, hes maid thameselffis comburgessis with the saidis complenaris," but yet "ar nawayes subject unto thame, beiris na burdyn in thair publict effearis, nor are nawayes undir thair obedience and commandiment, nor will not come undir ony cautioun quhilk thay can find, bot will think thameselffis dishonnourit be the saidis complenaris gif thay undirstand that thay cary ane intentioun onlie to comprehend thame undir ony of thair bandis." Further, "albeit the saidis complenaris wer heritable magistratis of the said toun, and swa micht assuir and bind for the haill towne, yit the sowme ane thousand merkis, quhairwith thay ar chargeit, is very extraordinair and grite, and mair nor can be layed upoun thame, respect being had to thair moyane, estate and conditioun," they being "puir meane men, all fishearis and puir craftismen," many of whom are not worth £40, so that it would be unreasonable to charge the complainers to find caution in 1000 merks for every person of their town. Moreover, the said Walter cannot make faith that he dreads oppression of the whole town, "becaus thair is ane verie grite noumer of personis inhabiting within the same quha ar his awne tendir freindis and kynnismen, with quhome he standis undir verie guid freindship, and thair is a nowmer of uthiris personis in thair towne quha ar his awne tennentis, keipand ane honnest dewitie to him in all respectis"; and, in any case, it is not reasonable that the complainers should find caution to him for his own friends and tenants, because it is to be feared that he may "steir up some of thame to mak a contraventioun," in order to get the complainers convicted in the said penalty. And, "in cais thair be ony personis within thair towne evill disposit aganis the said Walter," he ought to have raised special letters against them by name, and not have used such a general form against the complainers, so far against law. As to his allegation of the making

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of passages through his lands, the fact is that there are "some fishearis that passis langis the sey syde to gadder bait, as thay and thair predicessouris have bene accustumat in all tyme bigane; in the quhilk thay nouthir harme nor oppres the said Walter, nor makis na roidis nor gaittis, bot keipis the auld passageis." And, as for the casting of fail and divots, and taking of sand and stones off his lands, the truth is that the said lands are set to Mr. George Chalmer and Williame Duncansoun, burgesses of the said burgh, and nothing is done in that particular "bot be thair tollerance." With regard to his plea that the complainers had first put him under the like caution, their answer is that they never charged him to find any caution; "bot, some of thair towne knawing his restles dispositioun, and feiring to be this way extraordinarlie used be him, thay rased the saidis letters to have thame in reddynes onlie in cais he chargeit thame, and, he getting knaulege that the saidis letters wer rased, he without ony chargeis fand caution of purpois onlie to move his Majestie and his Counsaill to grant thir chargeis aganis the saidis complenaris." Notwithstanding all this, "for obedience thay have foundin cautioun, conforme to the said charge, unto the first day of Julii nixt to cum at the discussing of this suspensioun: at quhilk tyme giff it be foundin that thay aucht to satisfie the said charge, thay sall renew the said cautioun."—The pursuers appearing by Donald Urquhart, their procurator, and Currour appearing personally, the King and Council find the letters foresaid against the pursuers for finding the said caution "to be ordourlie procedit," and ordain the same to be executed against them conform to the tenor thereof; but, on the other hand, on caution having been found, the pursuers shall not incur the pain of contravention thereof for any deed to be committed against the defender by any of the inhabitants of the said town in their "awne particulair quarrell," but only if "the same be done in the commoun caus of the towne." Acta 1598–1601. Page 334.

To denounce John Johnstone and others for not answering to a charge of using unlawful arms.

Johnne Johnnestoun in Inverurie, Williame Johnnestoun, his son, there, Williame Johnnestoun, brother of the said Johnne, Williame Johnnestoun *alias* Rob's Will, and Williame Fergus, there, having failed to appear to answer touching their daily using of hagbuts and pistolets, contrary to the laws, and in particular for the shooting of a hagbut and pistolet at Johnne Mortymer, burgess of Abirdene, are to be denounced rebels. Page 335.

Decree in favour of Forrester of Corstorphine and others against the Presbytery of Edinburgh, exempting them from attendance on the parish kirk of Gogar.

Complaint by Harie Forrestair of Corstorphin, Mr. Alexander M°kgill, provost of Corstorphin, and the deacons, elders, and other inhabitants of the town and barony of Corstorphin, as follows:—Mr. Williame Arthour, minister at Gogar, has caused charge Forrestair to resort to the kirk of Gogair, "for heiring of the worde and ressaveing all uthir benefeitis of the Kirk," under the pain of excommunication. Now, the kirk of Gogar is not the parish kirk of the complainers, but that of Corstorphin, which is their ordinary kirk, "and the parrochin thairof is ane severall parrochin be the selff" and nowise united to the parish of Gogair: "swa the saidis complenaris hes nathing to do thairwith, nor ar not of that flock." Further, by Act of Parliament, every parish kirk is required to have its

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own pastor. Wherefore, all farther proceedings against the complainers in this matter should be discharged.—The said Harie Forrestair and Mr. Alexander appearing for themselves and the other pursuers, and the said

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Mr. Williame Arthour being also present, with Mr. David Lindsay, Mr. Patrik Galloway, and Johnne Duncanesoun, commissioners for the presbytery of Edinburgh, the King and Council discharge the said ministers of all proceeding against the pursuers in the said matter.

Sederunt—Cancellarius; Levingstoun; Fyvie; Neubottle; Dunkeld; Thesaurarius; Blantyre; Murdocairnie; Custos Secreti Sigilli; Advocatus; Collector; Tracquair; Clericus Registri. Edinburgh, 3d July.

Proclamation against recruiting in Argyllshire or other Highland parts for the assistance of the rebels in Ireland.

His Majesty being informed that Campbell has lately been sent to this country "fra the rebellious and dissobedient subjectis of Irland to levey and tak up certane forceis and companyis of men of weir for assisting and ayding of thame in thair rebellious and treasonabell courseis aganis his Majesteis darrest suster, the Quene of England, thair native Princes and Soverane," and that at present he is moving about in Ergyll and other Highland places occupied in making the said levy, "and seing the treateis of peace betuix the realmes will suffer nor allow na sic unlauchfull supporte to be furnist and leveyed in this cuntrey to the said rebellis without a evident prejudice and brek of the said treaty," there is order to charge all and sundry the subjects in Ergyll and other Highland parts, by open proclamation at the market crosses of Air, Irwing, Glasgu, Dunbartane, Inverarie, and other places requisite, not to arm themselves or depart this realm in company with Campbell or any other rebel to the said Queen, but to remain at home, forbearing directly or indirectly to "conforte or supplee" the said rebels in any sort, under pain of treason.

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Decree in favour of Gordon of Lochinvar against Alexander Agnew.

Action by Sir Johnne Gordoun of Lochinvar, as follows:—Upon 24th April, having been called before the King and Council by Robert Maxwell, burgess of Edinburgh, for rescuing Alexander Agnew, brother of the sheriff of Wigtoun, from the town officers of Edinburgh, while they were carrying him to the tolbooth as debtor in £1000 to the said Robert, pursuer had been decerned to enter the said Alexander in the tolbooth of Edinburgh by 20th May thereafter (now past), and, failing thereof, to pay to the said Robert 400 merks "quhilk wes amicablie decreitit to be payit be the said Alexander to the said Robert" (*ante* p. 104). Now, albeit, in default of entry of the said Alexander by the day abovewritten, the complainer has paid Robert the said sum of 400 merks, yet the said Alexander refuses to relieve him thereof.—The pursuer appearing by Mr. Robert Lyntoun, his procurator, but Agnew failing to appear, the King and Council ordain letters to be directed, charging him to free and relieve the pursuer of the 400 merks paid by him in manner abovewritten, within ten days after the charge, under pain of rebellion.

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Charge for the trial and "executioun"

As Armestrang, son of Armestrang, now in ward in the pledge chamber of Drumfreis, "hes evir bene ane commoun

of one of the Armstrongs, now in ward in Dumfries as pledge for his gang.

and notorious theiff, trayned up fra his youth in reiff, thift, and oppressioun, according to the accustumat trade of the wicked and unhappy race of his faderis gang and branche," and as it is necessary that he should be punished according to his deservings, "least his ouersicht and impunitie encourage uthiris thevis and lymmaris to continew in the lyke thevishe trade heireftir," there is an order to charge Williame, Lord Hereys, warden of the West March, and the provost and bailies of Drumfreis, to try by an assize, within three days after the charge, under pain of rebellion, the said offender "for the crymes of thift and reiff, or ony uther crymes quhairof thai can gett sufficient information and dittay aganis him, and, failyeing thairof, for the shamefull and cruel murthour of umquhill Sir Johnne Carmichaell of that Ilk, knycht, wardane, committit be his fader, brether, and the rest of that branche, for quhais gude obedience the said wes enterit and lay as plege, and to caus justice be ministrat upoun him." Acta 1593 1601.

Edinburgh, 5th July. Charge for rendering the Castle of Lochmaben to Lord Herries as the new warden of the West March.

The wardens of the West March having always had the keeping of the castle of Lochmaben "for the bettir repressing of the brokin and disordourit personis of Annanderdaill," and Williame, Lord Hereis, having now been promoted to the office of warden of that March in room of the late Sir Johnne Carmichaell of that Ilk, charge is to be given to the keepers of the said castle to deliver the same to Lord Hereis within three days after the charge, under pain of treason.

Edinburgh, 8th July.

Sederunt—Cancellarius; Fyvie; Neubottle; Murdocairnie; Blantyre; Dunkeld; Kinlos; Custos Secreti Sigilli; Computorum Rotulator; Haliruidhous; Collector; Advocatus; Clericus Registri. Page 339.

Absolvitor to John Carmichael, tailor in Edinburgh, from a complaint of illegal arrest by John Scott.

Complaint by Johnne Scott, as follows:—Upon 1st instant, after he had been in the house of Johnne Carmichaell, tailor, burgess of Edinburgh, "serving certane gentilmen at dynner," and had "come furth of the same house with the gentilmen," the said Johnne Carmichaell, at least his servants by his command, followed him, and took him back to the said house, where they accused him of having stolen two "Portuigall ducattis fra thame in a naipkin" at the time foirsaid. On his denying the accusation, they "rypit him, bot could find nathing, tirvit the claithis af him, and rave the same, tuke ane buke fra him and ane pair of gartanes," and at last put him in the tolbooth, where he had been detained in strait ward, and promised "large geir to confes the steilling of the said gold and silver, quhairof he is maist innocent."—Both parties appearing personally, the Lords assoilzie the said Johnne Carmichaell from the said complaint simpliciter.

Edinburgh, 9th July. Acquittance to George

Registration by Mr. Thomas Hammiltoun of Drumcairne, King's advocate, of an acquittance by his Majesty to George Hereot, younger, goldsmith, burgess of Edinburgh, for "ane jewell contening thriescoir and fouretene Page 340.

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diamontis and ane grite diamont sett in a chattoun of gold," which had been pledged to the said George, by an Act of the Privy Council (*see* vol. pp. 542-3), in surety of payment of the sum of £6720 owing to him by the King. His Majesty acknowledges the said jewel to be the very same which he had delivered to the said George, who is hereby, accordingly, exonerated. The acquittance is subscribed, at Edinburgh 3rd July last, "James R.; Montrois, Cancellarius; Mar; A. M. E., Thesaurair; Fyvie; Blantyr; Secretair; Jo. Prestoun; S. G. Home."

Heriot, goldsmith, for a jewel given him in pledge and now restored to his Majesty.

Sederunt—Cancellarius; Cassillis; Seytoun; Levingstoun; Fyvie; Thesaurarius; Murdocairny; Dunkeld; Kinlos; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Computorum Rotulator; Clericus Registri; Elimosinarius.

Edinburgh, 10th July.

Complaint by Andro Dunbar, messenger, in Markessie, as follows:— While he was executing the letters raised by the provost, bailies, and council of Elgin for discharging any public market to be held at the kirk of Ugstoun, and ordaining the same to take place at Elgin, conform to

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the privileges of the said burgh, Jeane Barclay, Lady Innermerky, having conceived deadly hatred against him, directed, upon 29th September last, Robert Innes, now of Innermerky, her son, Williame Innes, son natural (? lawful) of the late Innes of that Ilk, Robert Innes of Coittis, rebel, Johnne Innes in the college of Elgin, also rebel, Williame Innes, grieve to the said Lady, Alexander Stronoch in Ugstoun, Robert Innes, son of the late James Innes in Burnesyde, with divers others, to the said kirk, where they "presented bendit hacquebutis and pistollettis to his womb and face and avowit to have his lyffe," if he did not depart off that ground, or if he used any farther charges against persons meeting at the kirk of Ugstoun. Though he bore his Majesty's arms, they took him by force, "and maist dispitfullie expellit and schoit him oute of the said kirkyaird be the schoulderis, and swa deforceit him in the executioun of his office, and had not faillit to have slane and bereft him of his lyffe, wer not God and guid nichtbouris intervenit." Still farther, upon 2nd May last, the complainer having passed to the place of Plewlandis, where the said Lady dwells, in order to command her to buy the Acts of Parliament, conform to the charge given to him by the clerk of register (*see* vol. v. p. 463), her said son and others invaded him for his slaughter and "presentit ane bendit pistollet to him," which they would have discharged

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at him if he had not escaped.—The complainer appearing, the said Lady and her son, and the two Williams in the above list (the only persons cited), are to be denounced for failing to appear.

To denounce Lady Innermarky and three others for failing to answer for deforcement of a King's messenger.

Action by Walter Currour of Inchedrour, as follows:—He has lately been charged by Elizabeth Ord, and Walter Ord, her spouse, to find caution for their indemnity in £1000, under pain of rebellion. Now, the object of this proceeding is by "all indirect meanis" to procure his ruin, he having, on 21st July 1593, in obedience to former letters raised against

Decree in the cause between Walter Currour and Walter Ord in the matter of lawburrows.

him to the same effect, found Sir James Criechtoun of Frendraucht surety for him (*see* vol. v. p. 597). Notwithstanding the said caution, the defenders have never ceased to charge him to find new caution, sometimes in the books of Secret Council and sometimes in the books of Session, "halding him thairby in continuall fasherie and trouble." Thus, about three years ago, they charged him to find caution before the Lords of Session; "quhairupoun he haveing purchest suspensioun upoun the finding of the formair cautioun, at the day of suspensioun he obtenit ane decreit of suspensioun," with £40 modified to him for expenses. Nevertheless, they have of late, "of plane malice to put the said complenair to trouble," obtained the letters foresaid, wherewith he is now charged to find them caution, albeit the former caution stands in full force, unviolated in any point.—The pursuer appearing personally, and the defenders by Mr. James Ord, their procurator, the Lords ordain both parties to find new caution to one another *hinc inde* by 31st August next, under the pains contained in the former acts; and, when the said caution is found, they discharge the former acts of cautionary found by them *hinc inde*, viz., the act and obligation by the said Sir James for the said Walter, his sons and servants, and by Williame Keyth of Ludquharne for the said Elizabeth and her spouse.

Acta 1598-1601.

Page 343.

Holyrood-house, 14th July.

Sederunt—Cancellarius; Mar; Fyvie; Thesaurarius; Secretarius; Advocatus; Collector.[1]

Sederunts, Fol. 20, b.

Sir James Melville.

Sir James Melvill of Halhill, being received and admitted to be one of the Privy Council, gives his oath *in communi forma*.

Edinburgh, 14th July. Proclamation for deserting the raid to Kintyre in the meantime.

Albeit the "interprise of the reduceing of the barbarous Ilismen to the acknawlegeing of God, and obedience of his Heynes and his lawis," be a matter "quhilk tuicheis his Majestie in honnour, conscience, and proffeit, and importis the weill and benefite of the haill realme, especialie of the burrowis, quha be the barbaritie of thay people are defraudit of thair trade and handilling within the Ilis," and albeit therefore "his Majestie intendit, with a force of his gude and loveing subjectis, to have past fordwart in this instant moneth of Julii for prosequutioun of that interprise, according to the proclamationis direct and publist thairanent (*ante* p. 99)," yet, "considering the present estate and conditioun of his people quha wer subject to this service, being for the maist pairt puir, and unable to provide and furneis thameselffis sa substantiouslie at this tyme as the necessitie of this service dois require without thair grete hurte and inconvenient," his Majesty, "being alwyse cairfull of thame, and nawyse willing in the tyme of thair distresse and povirtie to ouerburdyn thame with ony extraordinair service, bot preferring thair weill and ease to his Majesteis proffeit", is content "to forbeir and continew the prosequutioun of that interprise at this tyme quhill some bettir occasioun and ane new advertisment, to the effect his subjectis in the meantyme

Acta, p. 37

[1] This sederunt, taken from the Book of Sederunts, is marked "extraordinar."

cta 1598-601.

may be providing thameselffis in all thingis requisite and necessair for sic ane expeditioun." Accordingly, there is order to make open proclamation hereof at the market crosses of the head burghs of this realm, and to command all the lieges subject to this raid to prepare themselves to meet the King or his lieutenant when and where required upon a month's warning, for the "persute of the saidis rebellious Ilismen, and reduceing of thame to obedience," under pain of loss of life, lands and goods.

age 344.

Sederunt—Cancellarius; Fyvie; Neubottle; Thesaurarius; Blantyr; Kinlos; Murdocairny; Halirudhous; Advocatus; Privy Seal; Clericus Justiciarie; Computorum Rotulator; Tracquair; Spott; Halhill; Elimosinarius.[1] Holyrood-house, 15th July.

age 343

age 344.

The slaughter of herons having been so "frequent and commoun" these divers years within the Kers of Goury, Fyffe, Stratharne, and other places thereabout, that "few or nane ar left" in the said bounds, and now a "small noumer haveing begun to big thair nestis and to hant" in the King's park of Falkland, and his Majesty "being desyrous to have thame to increse and multiplie," and the slaughter of them to be forborne in all the countries adjacent, there is order to inhibit all and sundry the lieges by open proclamation from shooting, slaying, or taking any herons within the bounds of Fyffe, Kinrosshire, the Kers of Gowry, Stratharne from Comrie east upon Erne and the "Stopis" of Kilbuk east upon Alloun, during the space of three years after the date hereof, under pain of warding for year and day for the first offence, and banishment from the country for the second fault. Act against the slaughter of herons in Fife, Kinross, the Carse of Gowrie, and part of Strath-earn.

Complaint by Patrik Garven in Dykheid of Eglintoun that, upon 22nd February last, while he was "gangand his allane fra his awne hous to the Almouswall without armour," Johnne Kyd, son of the late Robert Kyd in Lugdourmiln, came behind him with a drawn sword, "and, or evir he wes war of him, straik him behind his bak upoun the heid, and hurte and woundit him thairwith," being fully resolved "maist cruellie to have slane him."—The pursuer appearing by James Garvane, his son, Kid, for failing to appear, is to be denounced rebel. To denounce John Kid for not answering to a charge of assault.

age 345.

Sederunt—Cancellarius; Fyvie; Neubottle; Thesaurarius; Blantyr; Murdocairny; Kinlos; Haliruidhous; Advocatus; Privy Seal; Clericus Justiciarie; Computorum Rotulator; Tracquair; Spott; Halhill; Elimosinarius. Edinburgh, 18th July.

Action by Williame Johnnestoun, brother of Gilbert Johnnestoun of Wamfra, and by Alexander, Master of Elphingstoun, treasurer, for his Majesty's interest, as follows:—The said Gilbert, having been put to the horn at the instance of the said Williame for not finding caution that he should fulfil a decree arbitral pronounced between them, still remains at Decree against McLellan of Auchlane as surety for Gilbert Johnstone.

[1] In the Book of Sederunts of this date (fol. 20, b) the list of Councillors given as present is as follows:—Cancellarius; Fyvie; Thesaurarius; Murdocairny; Dunkeld; Collector; Comptroller; Tracquair; Spott; Halhill; Elimosinarius.

the horn, repairing to kirks, markets, and judgment seats, and doing his business in the country as if he were a free subject, "and swa intendis to continew still rebell," notwithstanding all letters of caption and treason used against him. Now, as the said Gilbert, and Williame M^cClellane of Auchleane, tutor of Bombie, as surety for him, had become bound in £1000, at Drumfreis upon 27th November 1597, that the said Gilbert should be answerable to justice, equity craves that his said cautioner should enter him before his Majesty "to be punist for his said contempt and rebellioun."—The pursuers appearing personally, but M^cClellane neither appearing nor having entered Gilbert, the Lords decern the said cautioner to have incurred the said penalty, and ordain letters of horning and poinding to be directed against him for payment thereof. Acta 1598–1601. Page 346.

To denounce Robert Watson and others for not answering to a charge of assault.

Complaint by James Nicoll in Mekle Gourdie, tenant of Alexander, Lord of Fyvie, that, upon 15th May last, the said James "being comeand the hie way fra the kirk of Deir hame towardis his awne duelling in Mekle Gourdie," Robert Watsoun, piper in the Brounhill, Johnne and Andro Watsonis, his brothers, there, and Robert Cryistie there, all armed with hagbuts and pistolets, "maist cruellie, shamefullie and unhonnestlie umbesett and persewit the said complenair of his lyffe, schoit and dischargeit ane hacquebute and pistollett at him, quhairwith thay schoit the said James Nicol throw the schoulder and left him lyand for deid."—The pursuer appearing by Mr. James Raith, his procurator, the offenders, for not appearing, are to be denounced rebels. Page 347.

New Act against barrelling herring for export before 1st October.

Although, by sundry laws, acts, and proclamations, the packing, peiling, salting, and barrelling of herring in any part of this realm before 1st October is expressly prohibited, under pain of confiscation of the herring, goods, and vessels of the exporters, yet the said acts are plainly contravened, not only by the King's own subjects, but also by many strangers resorting to this country, "some of the saidis strangearis advanceing the subjectis of this realme with grite soumes of money quhairwith afoir the day foirsaid the said hering ar bocht, saltit, and barrellit, and thaireftir send furth of this realme afoir the same or ony parte thairof be presentit to oppin mercatt, or his Heynes liegis onywise furnist." Accordingly, there is again to be proclamation, at the market crosses of the head burghs, not to pack, peil, salt, barrel, or export any herring before the said day yearly, under the penalty foresaid, the third part of the confiscated goods to go to the "apprehendair" and the rest to his Majesty. Page 348.

Edinburgh, 22nd July.

Sederunt—Cancellarius; Angus; Fyvie; Neubottle; Thesaurarius; Secretarius; Blantyr; Kinlos; Advocatus; Custos Secreti Sigilli; Clerius Justiciarie; Halhill.[1]

Act supplementary to a late Act of Convention for the registration

The King, and his Nobility, Council, and Estates, met at Falkland in July 1599, foreseeing the great hurt daily sustained by the lieges through Page 349.

[1] In the corresponding sederunt as recorded in the Book of Sederunts (fol. 20, b) "Erroll" appears among the Councillors present.

cta 1598 501.

the "forgeing and fenyeing of divers writtis and evidentis quhilkis wer keipit up and obscuirit quhill all ordinarie meanis of improbatioun of the same wer removed and tane away," had ordained all instruments of sasine outwith burgh, reversions, bands for giving reversions, intimations of the same, and discharges of reversions, to be inserted in the particular registers appointed for the purpose, within 40 days, under pain of nullity (*ante*, p. 17). Now, albeit the said registers "be weill and commodiouslie establissed and sett doun for the ease of his Majesteis subjectis undir the charge and keiping of famous and honnest personis, and dew publicatioun maid thairof," nevertheless, as his Majesty and Council are informed, "divers ignorant and wilfull personis, misknawing, as appeiris, the effect and tennour of the said Act and nawayes weying the estate and conditioun of thair awne securiteis, hes not presentit thair saidis evidentis and writtis to the ordinarie registeris, bot obscuiris and concealis the same to thair awne prejudice," making them thereby to have no faith, as the said Act proports. Wherefore, "his Majestie and his Counsaill haveing a regaird to his Heynes puir subjectis quha, rather upoun ignorance nor wilfull contempt, hes keipit up thair saidis evidentis unregistrat," new publication of the said Act is ordered now to be made, and it is also declared that it shall be lawful to all parties, notwithstanding that the said 40 days have expired, to present their said evidents to the keepers of the registers by 1st November next; with certification to all possessors of such writs as by the said Act are appointed to be registered that, if they fail to present the same by the time foresaid, and in all time coming within 40 days after the making and subscribing thereof, they shall be declared null, and that no new prorogation of the said Act shall be granted in future. Publication hereof is to be made, as also new publication of the said Act of Estates, so that none may pretend ignorance of the same.

of sa mes within forty days in the particular registers appointed for the purpose.

Page 350.

Complaint by Allane M'Eane in Ballochquhindochie, that he has been denounced rebel, by letters raised at the instance of the Treasurer, for his non-appearance before the King and Council to answer touching his alleged lying at the horn for the causes specified in the said letters. Complainer was never lawfully charged to appear, no copy of the charge having been delivered to him nor intimation of the same received. Had he been lawfully charged, he would have willingly appeared; and he had found caution in 300 merks to that effect upon this 22nd instant. Wherefore the said letters should be suspended simpliciter.—The pursuer appearing personally, and Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, being also present, the Lords, with consent of the Treasurer, do suspend the said letters simpliciter, because the treasurer is already satisfied for his escheat.

Suspension of letters of horning against Allen M'Ian.

Page 351.

Page 352.

Sederunt—Cancellarius; Angus; Levingstoun; Fyvie; Neubottle; Thesaurarius; Secretarius; Blantyr; Kinlos; Halirudhous; Computorum Rotulator; Privy Seal; Clericus Justiciarie; Advocatus; Collector; Clericus Registri; Tracquair; Halhill.

Edinburgh, 24th July.

Suspension of letters of horning against Alexander Nimmil.

Action by Alexander Nymmill, grieve in Edmestoun, bearing that he has been put to the horn by letters raised by Allesoun Edmestoun, relict of Archibald Edmestoun of Wowmat, for his non-appearance before the King and Council to answer a complaint made by her against him (*ante* p. 104). The said horning was wrongously used against him, as he had not been lawfully charged to appear. However, he has found caution in 100 merks to answer upon 24th instant. Therefore the said horning should be suspended simpliciter.—The pursuer appearing personally, but the said Allesoun failing to appear, the Lords do suspend the letters and process of horn contained therein. Acta 1598-1601. Page 351.

Suspension of letters of horning against Hew Campbell, sheriff of Ayr.

Action by Hew Campbell of Loudoun, as follows:—He has been lately charged by letters, at whose direction he knows not, to subscribe an assurance to George Shaw of Glenmure, and to find caution in 10,000 merks, under pain of horning, for observation thereof; and, if he disobey, it is intended to put him to the horn. Now, there is no quarrel between the pursuer and the said George, but only between the said George and Charlis Campbell of Horscleuch, who, "being ane gentilman responsall and ansuerable for his awne deid," should be burdened with this assurance, and not the complainer. And, "in sa fer as the said George hes apprehendit or may apprehend ony feir or dredour of the said persewair," he and 40 gentlemen of his name have already found him lawburrows, which stands in full force. Farther, it has been the custom, in passing assurances between parties, that both be of equal rank, and that the penalties be equal, and it "hes not bene sene that assuiranceis [are made] betuix ane of the said complenaris rank and calling and the said George Shaw, quha is a meane gentilman; bot the onlie drift and intentioun of the said George in this mater is to move the said perseuair to tak the burding upoun him and assuir for the said Charlis Campbell, as one of his kin and freindis." The said Sheriff, however, cannot undertake this obligation, because the said Charlis is not his man or vassal, dwells not upon his lands, "nor hes na feall of him," but is "a landit gentilman," and not obedient to the complainer.—The pursuer appearing by William Dumbar of Entirkin, his procurator, and Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, the King's advocate, appearing for his Majesty's interest, the Lords, in respect of the law-surety already found by the pursuer to Shaw, suspend the said letters simpliciter. Page 353.

Charge to Lord Ochiltree and the Sheriff of Ayr to subscribe assurances.

Action by the said Sheriff of Ayr, as follows:—He has been lately charged to subscribe an assurance to Andro, Lord Stewart of Uchiltrie, and George Schaw of Glenmure, under pain of horning. Now, there is no quarrel between him and the said Lord, and "all guid officeis of mutuall freindschip and guid nychtbourheid is intertenyit amangis thame," as the said Lord, if interrogated hereupon, will bear record. The said charges therefore appear to have been obtained by "certane malicious personis, enemeis to the said Lord and the said complener," purposely to foster a quarrel between them. He has already shown that there is no Page 354.

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quarrel between him and the said Schaw, and that, in so far as Schaw has or may pretend any fear of him, he has found Schaw sufficient lawsurety under great pains (*ante* p. 134), Schaw's quarrel being with the said Charlis Campbell of Horscleuch and not with the complainer. At the same time, if the said Lord will declare that he craves any assurance of the complainer, he will give him the same. In respect whereof the said letters of horning should be suspended simpliciter.—The sheriff appearing by the said William Dumbar, but the defenders not appearing, the Lords, understanding that the said Sheriff and Lord were required to subscribe mutually the assurage 355. ance for eschewing of the trouble likely to fall out from the quarrel between the said Charlis Campbell, servant of the Sheriff, and George Schaw, servant of the said Lord, and seeing the said Lord and Sheriff have not appeared and declared that there is no quarrel between them, decern and ordain them to subscribe the said assurances *hinc inde*, and to report the same to be registered within six days after the charge, under pain of rebellion.

To denounce William D y and others for not answering to a charge of assault and spuilyie

Complaint by Johnne Gordoun of Buckie, and George Sym in Ardwell, his tenant, that William Dey in Balvany, Hectoure M°Kenryk there, Johnne M°Condoquhy there, Hectoure Caddell, and Robert Caddel, his brother, there, with their accomplices, having "consavit ane deidlie haitrent and malice" against the said tenant, came in June last to the lands of Ardwele, lying in the shire of Banff, and there entered his house and assaulted him, giving him "mony bauch; bla, and bludy straikis," and "maist schamefullie dimoleist and cast doun the houssis and biggingis thairof, cruellie cuttit and distroyit the treis and tymmer of the samyn, reft, spuilyeit, and awaytuke the haill guidis and geir pertening to the saidis 'age 356. complenaris."—The pursuers appearing by George Duff, their procurator, the defenders, for not appearing, are to be denounced rebels.

To denounce James Ogilvy and others for not answering to a charge of assault and spuilyie.

Complaint by Lancelott Reidfurde, sometime in Strathilay, that James Ogilvy in Poddokburne, Johnne Ogilvy in Raguell, William Cowschank, and Johnne (? Alexander) Leg, with their accomplices, all armed, came by way of hamesucken to the complainer's dwelling house in Poddokburne, and put violent hands in him, wounded him in divers parts of his body, and reft from him two cows with calf and a young ox, together with 24 sheep; whereby he is "brocht to grete povirtie, and is forceit to beg his meit, being sua hurt and woundit at that tyme that he is unable to wirk and wyn his leving."—The pursuer appearing personally, the age 357. defenders, for not appearing, are to be denounced rebels.

The Comptroller against John Johnstone for alleged non-payment of the custom on English cloth brought by him into Edinburgh: Defender assoilzied.

Complaint by Sir David Murray of Gospartie, comptroller, as follows: —Although it is statute that all English cloth and stemmings imported should be brought to the custom house "and seallit with his Hienes seill," and the custom thereof paid, under pain of escheat of the said goods, yet in June 1599 Johnne Johnnstoun, called of Newbie, brought within Edinburgh, at the Gray Friar port thereof, between eleven and twelve at night, five packs of English cloth and stemmings, carried the same to his own house or the houses of some of his friends, and never paid custom

therefor, so that the said goods justly pertain to his Majesty as escheat.— Both parties appearing personally, and Johnnstoun having declared that he paid the due custom on the said goods to the tacksmen of the customs, "quha ressaved the same custome be the knawlege and allowance of the said comptroller," the Lords assoilzie the defender. Acta 1598–1601.

Thomas MacAlexander against Kennedy of Blairquhan in the matter of lawburrows.

Action by Thomas M^c^Alexander of Corsclayis, as follows:—He has been put to the horn by letters raised by Johnne Kennedy of Blairquhan for not finding surety for his indemnity under the pain of £2000. Now, the said pain is far above that appointed by Act of Parliament, pursuer being but a "mean gentilman" and not able to find so great a sum, which is the "pane of a barrone or lord," and not of one of his estate. Farther, the complainer never molested the said Laird, neither will the said Laird make faith that he dreads complainer; so that the King and Council may easily perceive that Kennedy has raised the said letters against him "onlie upoun malice and invy to get him to the horne." At the same time, complainer has found caution for the indemnity of the said Johnne in £2000; and, as for his escheat, which has fallen through the said horning, the same is already disponed.—The pursuer appearing personally, but the defender not appearing, the Lords suspend the said letters of horning, and farther modify the said sum of £2000 to 1000 merks. Page 358. Page 359.

inlithgow, 28th July.

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Angus; Erroll; Mar; Levinstoun; Fyvie; Thesaurarius; Secretarius; Kinlos; Clericus Justiciarie; Collector; Comptroller; Haliruidhous; Traquair; Spott.

Charge to certain Nobles and Lairds of the Borders to appear at a meeting of the Council at Falkland and give their advice for the quieting of the Borders.

Although his Majesty had appointed "a meitting of his Counsale, with certane speciall baronis of the Bordouris," to be held upon 26th instant, "for ordoure-taking anent the setling of the present disordouris of the Bordouris and repressing of the insolence of the rebellious thevis and lymmairis inhabiting within the saidis boundis," yet, as "a grite nowmer of the personis that wer writtin for hes not compeirit," the King remits all farther deliberation in this matter "to a mair frequent meiting, alswele of his Majesteis Counsale as of the thrie wairdanis, and specialie noble men and baronis of the haill thrie Maircheis," to be convened at Falkland upon 11th August next, so that "then this mater may be solidlie deliberat and advisit upoun and the ordoure to be tane substanciouslie prosequute and followit." Accordingly, there is order to charge the persons underwritten to appear before the King and Council at Falkland upon the said day, to the said effect, under pain of rebellion: viz., Alexander, Lord Home, warden of the East March, Sir Alexander Home of Snuke, warden depute, Sir Robert Ker of Cesfurde, warden of the Middle March, William, Lord Hereis, warden of East (? West) March, Master of Hereis, Sir James Douglas of Drumlangrig, Sir James Johnnstoun of Dunskellie, James Johnnstoun of Westeraw, Johnnstoun of Newbie, Sir Robert Page 360.

Acta 1598-601. Gordoun, apparent of Lochinvar, William Greirsoun of Lag, Thomas Kirkpatrik of Closburne, Charterhous of Amisfeild, Maxwell of Kirkconnell, Maxwell of Cowhill, Sir Robert Maxwell of Spottis, Johnne Maxwell of Conhaith, Harbert Maxwell of Cavenis, Maxwell of the Hillis, Edward Maxwell of Tynwale, Alexander Maxwell of Logane, Johnne, Lord Fleming, Sir Andro Ker of Phairnyhirst, Sir James Hammiltoun of Libbertoun, Scott of Haning, Robene Ellot of Reidheuch, James Tuedy of Drummelyear, Twedy of Dreva, William Vetche of Dawik, Porteous of Hallischaw, Will Ellot of Fallinesche, Armestrang of Quhythauch, Armestrang of Mangertoun, Sir George Home of Wedderburne, Patrik Home, younger of Aytoun, Swintoun of that Ilk, Cokburne, tutor of Langtoun, Gawin Ellot of Tobbis, and Scott of Tuschelaw. Lord Herreis and the Lairds of Drumlangrig and Johnnestoun are also required to bring with them a roll of "sic outlawis, fugitives, and maisterfull thevis and revairis" as are within the west wardenry.

Act for enforcing an Act of Parliament for the pursuit of thieves by the Noblemen and Lairds of the Borders.

For the stanching of "thift, reiff and oppressioun, sa frequentlie committit in the incuntrey be the wickit and rebellious thevis and lymmaris of the Bordouris," it had been ordained, by Act of Parliament in 1567, that, when thieves repair to the incountry for stealing or reiving, the lieges shall "rais the fray" and follow them, and concur with the owners of the goods, under pain of being held partakers of the theft (1567 c. 27, iii, 31–2). The execution of the said Act, however, "hes been neglectit and oursine thir divers yeiris bigane, in sa fer as the saidis thevis and lymmaris hes tane the bauldnes in troupes and cumpanyis publictlie and avowedlie to cum within the incuntrey, taking furth thairof grete heirschippis of guidis and geir, and passis peciablie thairwith throw the boundis of certane baronis, gentilmen, and utheris of sufficient pouer and force to resist thame, unshoutit, followit, or persewit conforme to the said Act, quhairby the saidis thevis and lymmaris are encourageit in thair thevishe proceidingis, and his Majesteis puir subjectis, wanting pouer and force to defend thameselffis, ar wrackit and herreit, heichlie to his Majesteis greif and displeasour." There is therefore to be new proclamation of the said Act of Parliament, certifying all who shall not rise, follow, and pursue the said thieves, apprehend and present them to justice, and concur with the owners and followers of the stolen goods, that the pains in the said Act shall be executed against them.

Page 361.

Charge to certain Border Lords and Lairds to reside in their houses adjacent to the Borders, for the repression and pursuit of Border thieves.

The chief cause that has given the "bauldnes and encouragement to the rebellious and dissobedient thevis and lymmaris of the Bordouris sa publictlie and avowedlie to resorte and repair in the incuntrey, and to reve, herry, and oppres the peciable and guid subjectis thairof," having been "the not residence and remaning of sic noblemen and baronis as hes houssis and strenthis ewest the Bordouris within thair saidis houssis, quhairby they mycht be reddy at all occasionis not onlie to stay and impede the incomeing of the saidis thevis and lymmaris, bot also to persew and follow thame as the occasioun

presentit," and the King and Council undirstanding perfectly that, "gif the saidis nobilmen and baronis wald mak thair residence and remaning within thair saidis strenthis and houssis ewest the Bordouris, and deutifullie and honnourablie behave thameselffis in the dew persute and prosequutioun of the saidis thevis and lymmaris, as becomes noblemen of honnour and credite, according to the Actis of Parliament maid thairanent [*cf.* 1426, c. 7 ii. p. 13; 1581, c. 21 iii. p. 222], na sic oppin and avowed heirschippis and reiffis wald be committit," there is order therefore to charge the following persons to repair to and reside in their houses after mentioned, within 15 days after the charge, for the said duty, under the pains contained in the Acts of Parliament: viz., William, Earl of Angus, in the castle of Angus; William, Earl of Mortoun, his sons or bailies, in the castle of Drochellis; Johnne, Lord Fleming, in the castle of Boghall; Mark, Lord of Newbottle, in the castle of Neidpeth; Sir James Hammiltoun, in the castle of Craufurdjohnne; James Twedy of Drummelyear, in the castle of Drummelyear; and Vetch of Dawik, in the castle of Dawik. Acta 1598-1601. Page 362.

Charge to Lord Herries, Douglas of Drumlanrig, the Laird of Johnstone, and others, to take order for restraining theft on the West March during their absence at Council.

The 11th day of August having been appointed to Williame, Lord Herreis, Sir James Douglas of Drumlanrig, Sir James Johnnstoun of Dunskellie, and certain others, for their personal appearance before the King and Council to give their advice anent the repressing of the insolence of the rebellious thieves of the Borders (*ante* p. 136), therefore, to the effect that in the meantime some good order may be kept on the West March, there is order to charge the persons above named to meet together "afoir thair heircomeing to keip the said day," and to take order that no theft be committed during their absence from the said country, certifying them that, if meanwhile "ony sic insolenceis, reiffis, and stouthis" shall be committed, they shall be held as authors thereof and proceeded against accordingly. Page 363.

Charge to renew the assurances between the Lindsays and the Ogilvys.

The King and Council, understanding that the assurances lately passed between Alexander, Lord Spynie, and Sir Johnne Lindsay of Wodheid, on the one part, and James, Master of Ogilvy, on the other part, are now almost expired, although the "variance and contraversie" between them yet "remanis unreconsiliat," ordain letters to be directed charging both the said parties to subscribe and deliver, the one to the other, within six hours after the charge, under pain of rebellion, such form of new assurances as shall be presented to them, to endure till next.

Charge to Douglas of Drumlanrig for the entry of certain of his men.

Order to charge Sir James Douglas of Drumlanrig, as master and landlord of Robert Bell of Gatill, Richie Bell of Castelbank, and Watt Bell, called David's Watt, to enter them before the King and Council at Falkland upon 11th August next, under pain of horning, to answer to the complaint of James Grahame in Glenurquhar and Rowie Thomesoun there, touching their spuilyie from them upon 16th instant of "ten scoir ky and oxin, threttie horse and meiris, and the haill insicht and plenissing of thair houssis."

Sederunts. Vol. 21, a.

Sederunt—Cancellarius; Cassillis; Presidens; Secretarius; Clericus Registri; Thesaurarius; Comptroller; Halhill; Kinlos; Clericus Justiciarie; Collector. Edinburgh, 29th July.

[No record of proceedings.]

Acta 1598–601. Page 363.

Sederunt—Cancellarius; Cassillis; Newbottle; Fyvie; Thesaurarius; Kinlos; Secretarius; Advocatus; Collector; Privy Seal; Justice Clerk; Halyruidhous; Comptroller; Halhill; Elimosinarius. Edinburgh, 31st July.

Page 364. Complaint by Johnne Gordoun of Buckie, for himself and as master of George Sym in Ardwill, his tenant, that Norman Leslie in Drummuir, Allane Stewairt in Lethinwadoche, George Stewairt, his brother, there, Hectour Caddell in Monthuthe, Robert Caddell, his brother, there, and Donald M^cIntagart in Balvany, with "uther brokin men," having conceived "ane deidlie haitrent and malice" against the said tenant, came in June last to the lands of Ardwell, belonging to the complainer heritably, lying in the shire of Banff, and there assaulted the said tenant, giving him "mony bauch, bla, and bludy straikis," destroyed his victual and insight, demolished his houses, and spuilyied his whole goods and gear.—The pursuers appearing by George Duff, their procurator, the defenders, for not appearing, are to be denounced rebels. To denounce Norman Leslie and others for not answering to a charge of assault and robbery.

Page 365. Complaint by Johnne M^cCulloch, servitor to George Monro of Tarrell, and brother of the late Charlis M^cCulloch in Roismerky, that, the said Charlis having been slain by Alexander Fairer, cordiner in Roismerky, within the town of Rosmerky, upon 1st April last, and the said Alexander, immediately after the committing of the said deed, having been apprehended by Mungo Gollane and Robert Gollane, bailies of Rosmerky, who committed him to ward within their tolbooth, these bailies will neither try him by assize for the slaughter nor yet enter him before the Justice in the tolbooth of Edinburgh.—The pursuer appearing by Charles Pap, his procurator, the bailies, for neither appearing nor having entered Fairer as charged, are to be denounced rebels. To denounce Mungo and Robert Gollan for not appearing to answer for not producing a prisoner accused of slaughter.

Complaint by Johnne Moriesoun, burgess of Edinburgh, as follows:— Upon 20th April last, Archibald Dalzell, son of Robert Dalzell of that Ilk, with others, armed with hagbuts and pistolets, came to the portion of the lands of Sauchtoun belonging to the complainer and occupied by Richart Weylandis, his tenant, and there threatened not only to hough his oxen and cattle, but to bereave the complainer and his said tenant of their lives Page 366. if they laboured the said lands. Again, upon 11th instant, they came to his said lands, and there menaced the said tenant, "speiring how durst he be sa bauld to remane upoun the saidis landis," and at last pursuing him with a drawn sword and avowing to have the lives of both if he remained any longer on the said lands.—The pursuer appearing personally, Archibald, for failing to appear, is to be denounced rebel. To denounce Archibald Dalzell for not answering to a charge of intimidation and oppression.

Complaint of Nicoll Dalzell in Dalzell's mill against the same Archibald

The same Archibald Dalzell to be denounced on another charge.

Dalzell, as follows :—"Not content with the revisheing of his dochter and abuseing hir at his pleasour, bot haveing be all unhonnest and indirect menis socht his lyff," the said Archibald had been obliged at last to find lawsurety to the complainer; who had then hoped to live free from further injury from him. Nevertheless, upon 14th June last, the said Archibald came to the complainer's lands of Sauchtounhall, and there "perforce tedderit his horse upoun the gres thairof"; and upon 25th June he and his accomplices came to the complainer's mill in Sauchtounhall, and there compelled Alexander Wadie, his servant, to leave his work, threatening to "slay him with drawin sword gif he obeyit not." Farther, upon the day of the same month, he came again with his accomplices to the said mill, and there "dang and manassit" Thomas Blak and James Brigtoun, complainer's millers, discharging them to work in the said mill, under pain of their lives. They then "maist schamefullie and unhonnestlie misusit the said complenaris spous, and strak and dang hir with ane drawin sword braidlynis, and hes violentlie reft and taikin fra him tua aikeris of his landis, and hes sawin the same."—The pursuer appearing personally, Archibald, for not appearing, is to be denounced rebel on this charge also. Acta 1598-1601. Page 367.

To denounce Hew Gray and John Boyd for not answering to a charge of assault.

Complaint by Henry M^cGrane in Kersansoun and M^cGrene in Pynnurrie, that, upon a Sunday in June last, they having repaired to the town of Mauchline "for heiring of the Word, lippyning for na trouble nor injurie to have bene offerit to thame," Johnne Boyde, brother of the Goodman of Kippis, and Hew Gray of Mayboill, assaulted them within the said town, upon set purpose to slay them, wounding them in divers parts of their bodies.—The pursuers appearing by Thomas Kennedy of Culyeane, Boyd and Gray, for not appearing, are to be denounced rebels. Page 368.

Suspension of an Act alleged to have been passed in the Sheriff Court of Aberdeen against Mr. William Reid and John Brown.

Action at the instance of Mr. Williame Reid, burgess of Abirdene, and Johnne Broun in Tullibredleis, as follows:—Johnne Gordoun, sheriff depute of Abirdene, alleging that they were unlawed before him in 1000 merks in a sheriff court held in the tolbooth of Abirdene upon 12th instant, for their non-entry before him of Alexander Broun, sometime in Straquharrie, to answer for the slaughter of Archibald Wilsoun and Johnne Symsoun, according to their act of caution, had directed thereupon his precept, charging them to pay the said sum, under certain pains. He has thus proceeded against them "maist wranguslie," because, upon 12th instant, being the appointed diet for the said entry, they presented the said Alexander in the "bois windo" of the said tolbooth,—which is the "ordinair place for criminall personis callit to thair tryall,"—long before the hour of cause; and "at the incomeing of the schiref" they entered before him the said Alexander, who then "requirit the said sheref-depute to proceid to his tryale." Nevertheless, the said depute would neither call the said Alexander nor receive his entry, albeit the complainers "maist instantlie craved tryall; lyke as they held the said Alexander in the tolbuith, ever craveing fra the fenseing of the court quhill about foure efter none, that the said schiref and his memberis of court rais and

Acta 1598-1601.

depairtit." Thereupon the complainers required Mr. Williame Andersoun, court clerk, to grant them an act of court to this effect, but he

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refused to do so. "And sua, the court being rissin and the schiref depute and his haill memberis of court being depairtit, the saidis complenaris lykewyse come thair way." Hence the sheriff-depute could nowise adjudge them in any penalty for the non-entry of the said Alexander, seeing that "lang befoir the fensing of the courte and efter the dissolving thairof thay wer evir in the tolbuith, and in the said shereff-deputtis awin presence all the tyme that he sat in jugement." Still, in case it shall be found that they are lawfully convicted in the said unlaw, they have found caution for payment thereof. Therefore the said precept should be suspended.—The pursuers appearing personally, but neither the sheriff-depute nor the Marquis of Huntlie, his principal, appearing, the Lords do suspend the same.

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Complaint by William Younger in Brigend, as follows:—Upon 19th instant, about sunset, as he was "comeand fra his awin cornis," Johnne Stewart of Roisland, Mr. Patrik Stewart, his son, Hob and Johnne Chancellanceis, his servants, forgathered with him at the west side of the town of Partik, and there "with four drawin swordis" assaulted him. Finding that with swords they could not get the advantage of him, "bot that he wes lyke to red himselff of thame," the said Johnne Stewart commanded the said Hob Chancellance, his servant, to shoot him with a pistolet through the body, "thus levand the said complener for deid: efter the schuiting of the quhilk pistollett the said Mr. Patrik tuke the same fra the said Hob Chancellence, charget and morsit hir of new, and presentit hir bendit to the said complenar, to have schote him agane. And, becaus ane quha come to red thame stayed the said Mr. Patrik, he very maliciouslie and injuriouslie straik him with the said pistollet upoun the hand and hurt him thairwith."—The complainer appearing personally, and Johnne Stewart, Mr. Patrik, and Johnne Chancellance, being also present, but Hob failing to appear, the reasons and allegations of both parties, together with the depositions of "famous witnessis," having been considered, the

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Lords find the said defenders to have done wrong to the pursuer "with four drawin swerdis for his bodelie harme and slauchter," and therefore ordain Johnne Stewart to be warded in the castle of Edinburgh, therein to remain till relieved by his Majesty and Lords of Secret Council. They remit the other point of the charge, touching the "beiring, weiring, and schuiting of the pistollet," to the justice general; and they command the said Hob to be denounced rebel.

William Younger against John Stewart and others for assault and violence.

Complaint by Petir Lymburner, burgess of Glasgow, that in June 1581, while he was "travelling in the Ile of Mule in his vocatioun and trade of mercheandice," Johnne M°Clane, younger of Lochtowne, and Hectour M°Clane, his eldest son, with their accomplices, "maist cruellie umbeset and persewit the said complenair of his lyff, and not onlie reft and spuilyeit fra him his haill pack of mercheandice wairis, worth thrie thowsand merkis, bot lykewyse hurte and woundit him in divers pairtis of his body, to the grete effusioun of his blude and perrell of his lyff."—The pursuer

To denounce the younger MacLean of Lochtown for not answering to a charge of assault and robbery.

appearing by Laurence Scott, his procurator, the defenders, for not appearing, are to be denounced rebels. Page 372.

Edinburgh, 5th August.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Advocatus; Comptroller; Clericus Registri; Spott; Collector. Sederunts, Fol. 21, a.

[No record of proceedings.]

Edinburgh, 6th August.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Advocatus; Computorum Rotulator; Collector; Clericus Registri; Spot. Acta 1598–1601.

Proclamation by the Council of a thanksgiving in Edinburgh for his Majesty's delivery from the Gowrie Conspiracy.

"Forsamekle as it is laitlie cum to the knawlege of the Lordis of his Heynes Prevey Counsale of ane lait intendit treasoun be umquhile Johnne, Erll of Gowrie, and Mr. Alexander Ruthven, his brother germane, aganis the persone of his Majestie, quhome God preserve, and becaus his Heynes, praisit be God, be his michtie hand, by all expectatioun, is savit and preservit: thairfore, willing that thankis be gevin to Almichtie God, the onlie instrument of that preservatioun, and in consideratioun of the small boundis of any of the perroche kirkis within this burgh to contein the multitude, the saidis Lordis hes thairfore thocht meitest, be oppin proclamatioun at the mercat croce of this burgh, to notifie the said happie deliverance of oure Soverane Lord fra the said perrill and danger, with the death of the saidis tratouris, sua worthelie deservit, and thairfore requireing thame, as it is the pairt of all his deutifull subjectis, to rander thankis to God for his said deliverie, and in taikin of thair joy caus the haill bellis within the burgh to be rung, and at nycht caus mak banefyreis, alswele within this burgh as within the Cannoingait and village of Leyth, efter the accustumat forme observit in the lyke caissis, for the uttering of the joy of his Majesteis happie deliverance; and hes ordanit Mr. David Lindsay to prais God within the kirk for the same, and ordanis the people to accumpany him to that effect."[1] Page 373.

[1] The famous and mysterious incident in Scottish History known as "The Gowrie Conspiracy" had occurred at Perth on the day preceding that of this order by the Council in Edinburgh, *i.e.*, on Tuesday, August 5, 1600. The news, with a letter from the King to the Council, had reached Edinburgh from Falkland before ten o'clock on the morning of the 6th. Substantially, it was to the effect that the King, while hunting near Falkland on the preceding morning, had been induced by Mr. Alexander Ruthven, a younger brother of the Earl of Gowrie, to ride with him hastily to Perth, where Mr. Alexander said he had a suspicious fellow, with a large pot of foreign gold in his possession, lying under arrest for his Majesty's inspection, and that his Majesty, having ridden to Perth, and been received into Gowrie House there, with only a few of his courtiers in attendance, had been lured alone into one of the rooms of the house, and attacked, dragged about, and nearly murdered, when, providentially, his voice at one of the windows had alarmed the courtiers outside, and they had rushed in by different staircases, slain the two brothers, and saved his Majesty unhurt. This was the substance of the story as it was bruited abroad in Edinburgh and the neighbourhood on the 6th of August, and thence reported that day in letters sent to England. All the other details, as they are now to be read in accounts of the Gowrie Conspiracy, were gathered gradually. A collection of these details, amounting to what may be called the complete *contemporary*

Acta 1598 1601.

Sederunt—Lennox; Cancellarius; Mar; Thesaurarius; Secretarius; Computorum Rotulator; Spott; Kinlos. Falkland, 7th August.

"Forsamekle as umquhill Johnne, Erll of Gourie, and Mr. Alexander Ruthven, his brother, haveing maist traterouslie conspirit and divisit the death Arrest of the rents of the late Earl of Gowrie and his brother.

version of the story, and including the narrative put forth in print by his Majesty's command about a month after the occurrence, will be found in Calderwood, vi. 27–75; but it is to be remembered that additional information, supposed to throw much new light on the affair, came out unexpectedly eight years afterwards. For the most modern digests of the story, as modified by this minute later information, the reader may be referred to Tytler's History of Scotland and to Burton's. Both these authorities are perfectly convinced of the reality of a conspiracy of some kind against the King by the two Gowrie brothers; and Tytler—whose particular construction of the affair seems to be that the original intention of the two brothers, and of their secret confidant, Logan of Restalrig, was to bring about a political revolution by kidnapping the King in Perth, conveying him down the Tay, and so by sea to Logan's impregnable house of Fastcastle, overhanging the German Ocean on the Berwickshire coast—is so sure that there was a real conspiracy in this or in some other form that he sums up by saying, "He who doubts must be too desperate in his scepticism to be reached by any evidence whatever." At our present date, however, when nothing had yet been heard of Logan of Restalrig in connexion with the affair, or of the documents produced to prove that connexion, and when all that the Edinburgh people had to judge by was the strange story of the pot of gold, &c., reported from Perth and Falkland, scepticism was not unnatural. That something extraordinary had happened in Gowrie House at Perth, and that the two young brothers had been left corpses there, was too certain; but *had* there been a conspiracy, and, if so, had it been on *their* side? The reasons for this scepticism are stated minutely and connectedly by Calderwood, at pp. 66–75 of his account as above. They were founded partly on the wild nature of the story in general, partly on certain discrepancies in the relations of different witnesses, but chiefly on the characters and antecedents of the two brothers.—They were among the young hopes of the Scottish nobility, handsome, amiable, and unusually accomplished, the Earl only twenty-three years of age, and his brother Alexander only nineteen. The Earl especially had been an object of much public interest. After having been educated at the University of Edinburgh under the care of Principal Rollock, he had been abroad for five years, pursuing his studies in Padua and elsewhere in Italy, and travelling in France and Switzerland; in which last country he had boarded for three months in the house of the Reformer Beza at Geneva. He had returned to Scotland in May 1600, not three months before this catastrophe, having passed through London on his way, and been received there with marked attention by Queen Elizabeth. The reputation with which he returned was that of being a youth of exceptional gifts and promise, deeply tinctured with a passion for those occult studies and speculations in natural magic which constituted the chemical and physiological science of his time, but who had nevertheless preserved intact his fidelity to the Protestant faith, and to the Presbyterian form of it, through all the temptations of his residence abroad. Nothing more likely, it was thought, than that he would act a distinguished part in the politics of his native country, and nothing more certain than that, if he did so, it would be in the path of popular and Presbyterian leadership which was pointed out to him by the traditions of his family, and especially by the example of his father, the Earl of Gowrie of Ruthven Raid celebrity, who had been brought to the scaffold in such memorable circumstances in 1584. Here, however, was the question which came afterwards to be of so much consequence. Though the present Earl had been but eight years of age at the time of his father's execution, was not that fact the deepest thing in his memory, and had not he and all the rest of the Gowrie family been brought up by their mother, the still living Countess-Dowager of Gowrie, in a kind of religious belief that their father's death had to be avenged? Would the young Earl's revenge take only the legitimate form of a political leadership reviving the memory of his father and the principles of the Ruthven Raid Association, or might it not, on opportunity, take some more daring and desperate form? So far as had appeared by his public conduct since his return to Scotland, there had been nothing illegitimate in his intentions. He had been a good deal about Court; and, though he had attached himself

and distrouctioun of the Kingis Majestie, and in the actuall executioun of thair horrible and monstrous practize aganis his Heynes royall persone thay being baith maist worthelie slane and his Majestie deliverit and relevit of that danger, thay be thair saidis tressonable practizeis have incurrit the pane of forfaltour of all thair landis and heritageis, and the samyn, be the previlege of his Majesteis crowne, lawis of this realme, and Actis of Parliament, will fall and become in his Majesteis handis, and aucht and sould be annext to his Heynes propertie: and thairfore ordanis letters to be direct to officeris of airmes, schireffis in that pairt, chargeing thame to pas and in his Heynes name and authoritie fens and arreist all and sindrie mailleis, fermes, rentis, teyndis, and dewteis of quhatsomevir landis, heritageis, takis, steidingis, baroneyis, kirkis, rowmes, and possessionis, pertening to the said umquhill Erll, and Mr. Alexander Ruthven, his brother, to remane undir arreistment at his Majesteis instance,

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distinctly to the opposition party in the recent Convention of Estates at Holyrood, and had acted a rather signal part in that Convention by his speech against the King's demand for large supplies for a forcible and immediate assertion of his Majesty's right to the English succession (ante p. 122, footnote), there had been nothing very peculiar in that, nothing to distinguish him from others of the nobility and barons, including Lord President Fyvie.—Little wonder that, in these circumstances, people about Edinburgh were greatly perplexed, as well as greatly shocked, by the dreadful news which came from Perth on the 6th of August 1600. The theory propounded for public belief then was that the young Earl had, after all, been plotting a Machiavellian revenge on the King personally, had drawn his younger brother into the plot, and had lured his Majesty to Gowrie House in such a wild-brained fashion for the purpose of either kidnapping or murdering him. But could that theory be at once adopted? The two young Ruthvens were dead and could not be interrogated. Was there nothing unrevealed, nothing kept back on the King's side, that might have accounted for a sudden scuffle between him and them without any treasonable premeditation on their part? Such a suspicion, strenuously maintained even yet in some quarters (see a long Note on the subject in vol. iii. of Dr. Russell's edition of *Spottiswoode's History*, published in 1851; and see also Mr. Andrew Bisset's *Essays on Historical Truth*, published in 1871), haunted many minds at the time, and, above all, the Edinburgh clergy. Hence, indeed, the peculiar form of the present Council order. For, though the order itself is silent on the subject, the Edinburgh clergy, having been sent for by Chancellor Montrose and the Council immediately on the receipt of the news and of his Majesty's letter, and required at once to collect their congregations for publication of the facts and thanksgiving to God for his Majesty's delivery, had declined to do so till they had further evidence of the truth of what they were required so solemnly to proclaim from the pulpit. Though his Majesty's letter was read to them, containing a command for such proclamation and thanksgiving, and though Mr. David Lindsay, minister of Leith, arriving from Falkland at the moment, added his assurances as to the verity of the reported facts, they remained firm in their refusal. If the Earl and his brother had been guilty of the alleged treason, then, said the clergy, none would be readier than they to doom their names to eternal infamy; but meanwhile the matter seemed dubious, and they must forbear. The Council, accordingly, had to commute the King's order for a distributive thanksgiving by all the clergy of the city in their respective churches into the present order for a publication of the facts to a gathered multitude at the market-cross, with a general ringing of bells, to be followed by bonfires at night. The services at the market cross were, in fact, conducted by Mr. David Lindsay, in the presence of the Council. "After he had made an harrangue for the purpose," says Calderwood, "the people, with discovered heads, praised God; the bells rang; the cannons of the Castell were shott betweene three and foure efter noone; and bonfires were sett out before everie hous that night. The ministers thought the Counsell had been satisfied."—This note may help to explain some of the succeeding entries relating to the Gowrie Conspiracy. Every one of these is given in full.

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unmellit, intrometit with or disponit in onywyse, ay and quhill his Majestie, with avise of his Counsale, tak ordoure be forme of justice anent the imbringing of the same to his Heynes use, or utherwyse as his Majestie sall direct and appoint: certefeing thame quha sall dispone or put away ony pairt of the saidis maillis, fermes, and dewteis that not onlie sall they be compellit to mak double payment thairof to his Heynes, bot they salbe repute, haldin, and estemit as assistairis and moyennaris for the saidis tressonable tratouris and thair compliceis, and salbe persewit and punist thairfore with all rigour and extremitie."

Charge to the bailies of Perth to keep the bodies of the Earl of Gowrie and his brother unburied.

"Forsamekle as, umquhill Johnne, Erll of Gowrie, and Mr. Alexander Ruthven, his brother, being in the actuall executioun of a maist horrible and traterous conspiracie aganis the Kingis Majesteis royall persone within the said Erllis awin ludgeing within the burgh of Perth, it hes pleisit God maist miracoulouslie to deliver his Majestie fra thair intendit treasoun, and to turne thair traterous practizeis upoun thameselffis, quha hes worthelie sufferit death as they wer in the actuall persute of his Majesteis persone: quhairfore necessar it is that the corpis of the saidis umquhill Erll and Mr. Alexander be keipit and preservit quhill forder ordoure be tane in this mater as appertenis: and thairfore ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chairgeing thame to pas, command, and charge the bailleis of the burgh of Perth to preserve and keip the corpis and bodyis of the saidis umquhill Erll and Mr. Alexander unbureyit, ay and quhill they undirstand forder of his Heynes will and pleasour thairanent, as they will ansuer to his Majestie upoun thair obedience at thair heichest charge and perrell."

Order that no person of the name of Ruthven be allowed to repair within ten miles of their Majesties.

"Forsamekle as, umquhill Johnne, Erll of Gowrie, and Mr. Alexander Ruthven, his brother, haveing maist traterouslie divisit and conspyrit the death and distructioun of the Kingis Majestie, our Soverane Lord, be sic a detestable and horrible maner as hes not bene hard of in na kingdome or age, it hes pleisit Almichtie God, quha evir hes had a cair ouer his Majesteis persone, maist miracoulouslie to deliver his Heynes of that monstrous and disperat treasone, and in justice to punische the saidis treasonable tratouris and conspiratouris, quha hes alreddy sufferit a pairt of the punischement worthie of thair deservingis: yit his Majestie, with avise of his Counsale, being myndit to tak forder tryall in this mater, and finding that it can nawyse stand with his Majesteis honnour, suirtie of his Heynes persone, that ony personis of ather sex, man or woman, of the name of Ruthven salbe sufferit to have acces or presence at his Majesteis courte, or in ony uther pairt quhair his Majestie or the Quene, his darrest bedfellow, do resorte or repair,—thairfore ordanis letters to be direct to command and charge all and sindrie personis, man and woman, of the name of Ruthven, presentlie attending and awaiting upoun his Majestie or the Quene his darrest spous, that they, within the space of fourty aucht houris efter the publicatioun heirof, remove and depairt fra the placeis of thair Heynes residence, and that they nor na utheris of the said name of Ruthven presume nor tak upoun hand to

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resorte or repair at ony tyme heirefter within the space of ten myllis to thair Majesteis personis, undir the pane of deid: certefeing thame that salbe apprehendit in contravening of this present proclamatioun, or that salbe tryit to have contravenit the same in ony point, that they salbe immediatlie sercheit, socht and apprehendit, and the pane of deid salbe execute upoun thame without favour or mercy." Acta 1598 1601.

Charge for rendering of the castles and houses of the late Earl of Gowrie.

"The Kingis Majestie and Lordis of Secrete Counsale, in respect of the lait traterous and horrible treasone devisit and intendit to have bene execute aganis his Heynes maist noble persoun be umquhill Johnne, Erll of Gowry, and Mr. Alexander Ruthven, his brother, fra the quhilk it hes pleasit Almichtie God maist miracoulouslie to deliver and releve his Heynes, ordanis letters to be direct to officeris of armes, shereffis in that pairt, chargeing thame to pas and, in his Heynes name and authoritie, command and charge the havairis, keipairis and detenairis quhatsumevir of the said umquhill Erllis castellis, touris, and fortaliceis of Ruthven, Strabrane, and ludgeing within the burgh of Perth, to rander and deliver the same, with the guidis and geir being thairintill upoun inventair, to his Majesteis thesaurair in his Heynes name, or sic as the said thesaurair sall appoint and direct with sufficient pouer and commissioun to ressave the same, and that they remove thameselffis and thair servandis furth thairof within six houris nixt efter the charge, undir the pane of tressoun: with certificatioun to thame, and they failyie, they salbe repute, haldin, persewit, and demanit as tratouris, and the proces and dome of forfaltour salbe led aganis thame, conforme to the lawis of this realme and Actis of Parliament."

Act against disponing any part of the living of the Earldom of Gowrie without consent of the Council.

"Forsamekle as, be the lait traterous and maist detestable treasoun and conspiracie divisit be umquhill Johnne, Erll of Gowry, and Mr. Alexander Ruthven, his brother, aganis the Kingis Majestie oure Soverane Lordis awin persone, fra the quhilk it hes pleisit Almichtie God maist miracoulouslie to deliver his Heynes quhen the saidis treasounable tratouris wer in the verie actuall executioun of thair precogitat and foirthocht treasone, the haill landis, lordschippis, baroneyis, rowmes, and possessionis pertening to the saidis treasonable tratouris ar fallin and become in his Majesteis handis, and ar at his Heynes gift and dispositioun be the previlege of his crowne, lawis of this realme, and Actis of Parliament; and his Majestie being myndit to do nathing rashelie and unadvisedlie, outhir be appointing of factouris and chalmerlenis to the rentis and levingis of the saidis tratouris, or be making of unproffitable giftis and dispositionis of ony pairt of the same: thairfore his Majestie promittis, in the word of a prince, that thair sal be na factouris, chalmerlanis, nor intromettouris appointed be his Heynes to ony pairt of the rentis and levingis of the saidis tratouris bot be the advise and consent of his Majesteis thesaurair and comptroller, to quhais charge and office the same properlie appertenis, and, forder, that his Majestie sall mak na dispositioun, rycht, title, or uther securetie be write or promeis of ony landis, lordschippis, baronyis, officeis, beneficeis, teyndis or utheris casualiteis pertening of befoir to the saidis tressounable tratouris and con- Page 376.

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spiratouris, bot be the avise of the Lordis of his Majesteis Privy Counsale and na utherwyse."

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Angus; Mar; Setoun; Home; Uchiltrie; Fyvie; Neubottle; Thesaurarius; Blantyre; Secretarius; Kinlos; Dunkeld; Advocatus; Halyruidhous; Clericus Justiciarie; Privy Seal; Collector; Comptroller; Clericus Registri; Tracquar; Spot; Cesfurd; Elimosinar. Holyroodhouse, 12th August.[1]

ige 377.

"Forsamekle as, the death and distrouctioun of the Kingis Majestie oure Soverane being of lait maist traterouslie conspirit be umquhile Johnne, Erll of Goury, and Mr. Alexander Ruthven, his brother, and they being in the very actuall executioun of thair intendit treasoun within the said Erllis awin ludgeing within the burgh of Perth, quhairunto they had craved his Heynes for that effect upoun the fyft of this instant, it pleisit God, quha evir hes cairfullie watcheit ouer his Heynes persone, maist miracoulouslie and wounderfullie, by all expectatioun, to deliver and freith his Majestie of that imminent danger and perrell, with the dew punischement of the saidis tressonable tratouris and conspiratouris; for the quhilk happie and blissed deliverie as his Majestie and all deutifull and loving subjectis hes gude caus to continew thankfull to God, sua his Majestie, be avise of his Counsale, hes concludit and resolved that his Heynes, in perpetuall memorie of the said happie deliverie, sall mak ane speciall dispositioun and mortificatioun to the puir of the sowme of ane thowsand pundis yeirlie furth of the reddiest of the fruitis, rentis and dewteis of the Abbey of Scone, quhilk is now become and fallin in his Majesteis handis: lyke as his Heynes hes remittit the forme and maner of the said mortificatioun, and how the same sowme salbe imployed, to the Lordis of his Heynes Prevey Counsale." Act mortifying £1000 to the poor out of the Abbey of Scone, in memory of the King's deliverance from the Gowrie Conspiracy.

"Forsamekle as all and sindrie landis, lordschippis, baroneyis, rowmes, officeis and possessionis, quhilkis pertenit of befoir to umquhill Johnne, Erll of Goury, and Mr. Alexander Ruthven, his brother, ar now fallin and becomein in his Majesteis handis be the lait traterous and horrible conspiracie divisit and intendit be thame aganis the sacred and royall persone of his Majestie, and his Majestie and Lordis of his Secrete Counsale considering how that his Heynes hes bene and is lyke to be gretlie impascheit and preist be inoportune suteairis to mak present dispositioun of the forfaltouris and eschettis of the saidis personis, thay nather yit being forfaltit nor ony consideratioun tane of his Heynes awin necesseteis nor of the qualitie and quantitie of the thing craved and worthynes of the cravair, Act against the passing of gifts out of the Earldom of Gowrie.

[1] The King had returned to Edinburgh from Falkland, by way of the Firth of Forth and Leith, on the preceding day, Monday the 11th of August. At his landing at Leith there was a great volley of cannon and hacquebuts in welcome, followed by a sermon of thanksgiving in Leith Church by Mr. David Lindsay, a ceremonious sitting of the King in state at the market cross of Edinburgh, and another sermon and thanksgiving there, with a narrative of the incidents of the Gowrie Conspiracy, by Mr. Patrick Galloway, another courtly preacher. See the discourse in Calderwood, vi. 50–56.

quhairthrow, be the suddane and unadvised satisfeing of the desyreis of the saidis importune suteairis and craveairis, the dew circumstanceis not wele considerit, his Majestie may be gretlie interest and prejugeit: thairfore his Majestie, with avise of the Lordis of his Secrete Counsale, hes resolved and concludit that his Majestie sall mak na gift nor promeis of ony gift, infeftment, dispositioun or presentatioun of ony landis, heritageis, beneficeis, guidis, or officeis, pertening to the said umquhill Erll and his said brother, quhill his Majesteis nixt Parliament,—at quhilk tyme his Majestie and his Counsale hes now thocht meit and concludit that the thrie gentilmen quha undir God wer the authouris of the preservatioun of his Majesteis lyff and deliverie of his Heynes fra the horrible treason intendit aganis him salbe honorablie rewairdit according to thair worthie deservingis be the full authoritie and consent of Parliament, and that the caussis quhairby they have deservit the said rewaird salbe be specialie ingrossit and insert in thair infeftmentis,—and that efter the said Parliament his Majestie sall mak na gift, infeftment or dispositioun of ony of the saidis landis, heritageis, rowmes, officeis, possessionis, and guidis without the avise and consent of the Lordis of his Heynes Prevey Counsale, and that efter gude consideratioun had of the materis craved, the validitie thairof, and the deserving and meriteis of the personis craveand: certefeing all and sindrie personis that sall impesche, importoune, preis or urge his Majestie utherwyse that, besydis the denyall of thair suittis, thay sall incur his Heynes wraith and indignatioun: dischargeing heirby all the keipairis of his Majesteis registeris and seillis of all passing or expeiding throw the same registeris and seillis of ony infeftment, giftis or dispositionis aganis the meaning and tennour of the present act, and of thair officeis in that pairt." Acta 1598-1601. Page 378.

Act disabling the five ministers of Edinburgh from preaching, and banishing them from Edinburgh, for refusing to obey the orders to give public thanks for his Majesty's delivery from the Gowrie Conspiracy.

"Forsamekle as, umquhill Johnne, Erll of Gowry, and Mr. Alexander Ruthven, his brother, haveing maist traterouslie divisit and conspirit the death and distructioun of the Kingis Majestie, oure Soverane Lord, be sic a detestable and horrible maner as hes not bene hard of in ony kingdome or age, it pleisit Almichtie God, quha evir hes had a cair of his Heynes persone, maist miracoulouslie and wounderfullie to deliver his Majestie of that detestable treasoun; efter the quhilk happie deliverie and thankis gevin thairfore be his Heynes to God, his Majestie immediatlie be writ acquentit the Lordis of his Heynes Prevey Counsale alswele of the said intendit treasoun as of the said happie deliverie, and desyrit thame to command the ministeris of Edinburgh to have convenit thair severall flokis in thair awin kirkis, and thair publictlie to have intimat to the people the said treasoun and to have gevin thankis to God for the said deliverie of his Majesteis noble persone: Lyke as, the saidis Lordis haveing convenit befoir thame Maisteris Robert Bruce, James Balfoure, Mr. William Watsoun, and Mr. Johnne Hall, ministeris of Edinburgh, upoun the sext day of August instant, and the saidis Lordis haveing at lenth oppynnit up unto thame the haill forme, maner, and circumstanceis of the said treassoun, quhilk wes alsua affermit in thair presence be a honnest Page 379.

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and famous gentilman quha wes present and a ey-witnes at Perth with his Majestie, and for thair farther satisfactioun the saidis Lordis haveing produceit and schawin to thame his Heynes awin missive and write in this mater, and thairfore, according to his Heynes directioun, haveing instantlie delt and travellit with the saidis ministeris, and haveing commandit thame to have repairit to thair pulpettis and kirkis, and to have certifeit the people of the said tressoun, and to have thankit God for the said happie deliverie, the saidis ministeris maist undewtifullie, mistrusting his Majestie and the undoutit treuth of this horrible treasoun, refuisit to obey his Heynes and the saidis Lordis: For the quhilk thay, and Mr. Waltir Balcanquell, minister, quha wes absent the said first day be ressoun of his seiknes, being now callit and compeirand befoir his Majestie and a grete nowmer of his Heynes Prevey Counsale, and his Majestie and his Counsale haveing hard thair pretendit excuissis, and finding thame still constant in thair distrust and doubt be thair wilfull and obstinat refusaill yit to assuir and certifie the people of the said intendit treasoun aganis his Majestie, nochtwithstanding the constant and trew reporte and declaratioun quhilk thay have hard, alswele of certane of his Majesteis nobilitie, quha wes present with his Majestie at Perth, as be the Lordis of his Heynes Prevey Counsale and be his Heynes awin minister: The Kingis Majestie and Lordis of Secrete Counsale thairfore findis, decernis, and declaris that the saidis Mr. Robert Bruce, Mr. Waltir Balcanquell, Mr James Balfoure, Mr. William Watsoun, and Mr. Johnne Hall, hes maist undeutifullie behavit thameselffis to his Majestie in the matter abone-written, and that they ar not worthie to be sufferit to speik or preiche publictlie to his Heynes peopill at ony tyme heirefter; and thairfore his Majestie and the saidis Lordis hes dischargeit, and, be thir presentis dischargeis, the saidis fyve ministeris of all preiching or speiking publictlie to his Heynes subjectis in ony pairt of this realme at ony tyme heirefter, undir the pane of deid; and forder ordanis and commandis thame to remove and depairt furth of the burgh of Edinburgh within fourty aucht houris efter the dait heirof, and on nawyse to resorte or repair in ony pairt within the space of ten myllis to the said burgh of Edinburgh heirefter, undir the said pane of deid: and ordanis intimatioun to be maid heirof be oppin proclamatioun at the mercat croce of Edinburgh, quhairthrow nane pretend ignorance of the same."

ıge 380.

"Anent the charge gevin be vertew of oure Soverane Lordis letters to George Craigingelt, Hew Moncreiff, Andro Hendirsoun, chalmerlane of Scone, Patrik Eviot, brother to the Laird of Bowsie, Hary and Alexander Ruthvenis, brether to Mr. William Ruthven, to have comperit personalie befoir the Kingis Majestie and Lordis of Secrete Counsale this day, viz., the twelft day of August instant, to have answerit to sic thingis as sould have bene inquirit of thame at thair comeing and layd to thair charge, tuicheing the lait treasounable conspiracie divisit aganis his Heynes royall persone be umquhill Johnne, Erll of Gowry, and Mr. Alexander Ruthven, his brother, undir the pane of rebellioun and putting of thame to

To denounce George Craigingelt, Hew Moncrieff, Andrew Henderson, and others, for not appearing to bear witness respecting the Gowrie Conspiracy.

the horne, with certificatioun to thame and they failyeit letters sould be direct simpliciter to put thame thairto,—lyke as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof. Quhilkis being callit and the saidis personis not compeirand, the Kingis Majestie and Lordis of Secrete Counsall ordanis letters to be direct to denunce thame." [1] Acta 1598-1601.

Hay of Barro against Steven Bruntfield and Sir Alexander Home, anent a stolen horse found with pursuer. Case remitted to the Warden.

Action at the instance of Mr. William Hay of Barro, as follows:—He had been cited before the warden of the East March by Hary Rutherfurde, Englishman, "for the haveing of ane horse allegeit stollin fra him: quhilk bill of complaint being fyllit upoun the said complener be the allowing of Stevin Bruntfeild of Greinlawden, according to the accustumat forme of the Bordouris, the said complener intentit his caus of releif aganis the said Stevin for mony gude caussis," chiefly because he knew of the buying of the said horse from the said Englishman by the late Alexander Spottiswode,—"quha, albeit he wes for uther caussis convict and execute, yit the familiaritie betuix him and the said Hary wer sa grete that in thair tyme thay hantit cumpany togidder in ane exercise not very lauchfull. And sua, the said Stevin feiring that the just tryall of the said mater sould come to licht, he, assistit with ane grete nowmer of his favourairis at the last wardane court, swa disturbit the wairdane fra doing of justice in that mater that Sir Alexander Home of Snuk, kyncht, thair wairdane, thocht meitest to ask and crave the resolutioun of the Lordis of his Heynes Secrete Counsale upoun the ressonis contenit in the said bill of releif, and continewit all forder proceiding in the said mater quhill

[1] George Craigingelt was steward or master of the household in the Gowrie family, and had witnessed a good deal of the fatal fray in Gowrie House, and distinguished himself in the latter part of the fray by appearing for the defence of the Earl with a drawn two-handed sword, and guarding therewith the back gate of the house. Hew Moncrieff and Patrick Eviot were likewise persons in the service of the young Earl, and had made themselves conspicuous in his defence. Andrew Henderson, the Earl's chamberlain, had declared himself to be the mysterious man in armour who had been posted in the turret-chamber in Gowrie House to await the King's coming, and had witnessed the whole of the scuffle there between the King and Mr. Alexander Ruthven, but had been so paralysed by fear and surprise that he was unable to stir himself at first for the King's assistance. Harry and Alexander Ruthven were relatives of the Gowrie family, who had taken part in the defence of the Earl,—the latter apparently the "Alexander Ruthven of Forgun" of whom it was reported that, when the Earl was dead, he called up to the King "Come doun, thou son of Signior Davie: thou hast slain an honester man nor thyself." Though none of these appeared on the present occasion, the evidence of some of them was obtained afterwards,—that of Andrew Henderson being the most important of all on the King's side, though the whisper ran among the obstinately sceptical that there had been no man in armour at all, but that Henderson had been induced to come forward in that character.—Among other persons sought out and brought to account or examination in connexion with the conspiracy were Mr. Thomas Cranstoun, brother of Sir John Cranstoun of that Ilk, a John Macduff or Baron, Mr. William Rhynd, and James Wemyss of Bogie. Cranstoun had stood by the Earl when he was killed, and had struck out, and been wounded, in his defence. Baron, an officer of the Earl's, had taken a minor part in the Earl's behalf. Mr. William Rhynd was the Earl's tutor, had been with him since his boyhood, and had accompanied him in his travels; and what was wanted from him was evidence as to the Earl's private habits and usual topics of conversation. Similar evidence was wanted from Wemyss of Bogie, a young man of about twenty-six years of age, who had been a good deal in the Earl's society since his return to Scotland, and had heard him talk of strange chemical and physiological secrets he had learnt in Italy. The evidence of this last had, in part at least, been already taken at Falkland before seven of the Council on the 9th of August.

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the nixt wairdane court, than appointit to be the threttene day of August nixt to cum. And, the said Sir Alexander haveing repairit befoir the Lordis of his Heynes Secrete Counsale and at lenth declairit to thame his haill proceidingis thairintill, they, be thair determinatioun and deliverance subscryvit with thair handis upoun the bak of the foirsaid bill of releif, fand the ressonis thairof very relevant and ordanit the said Sir Alexander to proceid. Quhilk cuming to the knawlege of the said Stevin Bruntfeild, and he feiring that all his bigane subtiliteis sould be detectit, he privelie purchest ane suspensioun of the said ordinance, with ane discharge to the said Schir Alexander Home onywyse to proceid in the said mater befoir the nynetene day of August nixt to cum, thinking assuiredlie that the said complener salbe deliverit the said threttene day of August for redres of the said bill fyllit upoun him, and sua occasioun salbe taikin away to bring this mater to ane forder lauchfull tryall. Quhairupoun the said complener meanit him to the Kingis Majestie and his Secrete Counsale, being convenit in Lynlithgow, and obtenit letters be thair deliverance chargeing the said Sir Alexander to proceid nochtwithstanding the said suspensioun, be the quhilkis letters the foirsaid suspensioun is alsua declairit null and ineffectuall. And now, the said complener undirstanding that the haill wairdanis of the thrie Mercheis and thair deputtis ar to be present befoir the Kingis Majestie and the saidis Lordis of his Heynes Secrete Counsale at Falkland the ellevint day of August nixt to cum, and being maist willing that the veritie of the foirsaid mater standing betuix him and the said Stevin salbe hard in his Heynes presence the said day befoir the haill wairdanis, alswele be ressoun of the schortnes of the space intervening betuix the said day of compeirance befoir the Kingis Majestie at Falkland and the said appointit wairdane court day, it is feirit that the said Sir Alexander Home sall not be present."—Mr. William Hay appearing personally, and the said Stevin, as also Sir Alexander, with Johnne Horne, his clerk of court, being likewise present, his Majesty, with advice of his Council, remits this matter to the warden of the East March, and ordains him to administer justice therein, conform to the laws of the Marches.

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Charge to the chief of the MacGregors for the entry of three of his clan as pledges, in place of the three who have been hitherto lying in pledge.

At the late order-taking with the landlords and chieftains of the Makgregouris "for retening of that haill clan undir obedience," Allaster M°Gregour of Glenstra, chief and chieftain of the clan, became answerable for the good behaviour of the following persons, viz., Johnne Dow M°Ewne, Duncane M°Ewne, Johnne M°Fatrik V°Eane, Gregour M°Gregour V°Ein, Patrik Gair M°ilchallum Glais in Rannach, Johnne M°Eanduy in Rannach, the eldest brother, Ewne M°Allaster Pudrach and Johnne M°Patrik Big; of whom he was ordained to enter three as pledges, "and they thrie to be quarterlie relevit with utheris thrie of the remanent personis, sua that alwyse his Majestie mycht be suir of thrie of thame" (*ante*, p. 90). Accordingly, in April last, the said Ewne M°Allaster Pudrach was delivered to Johnne, Earl of Montrois, chancellor, Johnne M°Eanduy in Rannach to Patrik, Lord Drummond, and Johnne M°Fatrik V°Eane to Sir

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Duncane Campbell of Glenurquhy, (*ante* p. 100)—"quhilkis plegeis having now lyne ane haill quarter of ane yeir, necessar it is that thay be relevit be the entrie of uther thrie of the remanent personis foirsaidis." There is therefore order to charge the said Allaster M^cGregour of Glenstra, within ten days after the charge, under pain of rebellion, to enter other three pledges from among the persons abovewritten to the said Chancellor, Lord Drummond, and Campbell, viz., to each of them one,—"to remane and ly for the nixt quarter." The said keepers are required to receive them within three hours after they have been presented, and to detain them conform to the act made anent the custody of the said pledges. After receiving the said pledges, they are to put the pledges now lying with them to liberty. Acta 1598–1601. Page 383.

To denounce the Laird of Gledstanes and others for not answering to a charge of slaughter.

Complaint by the provost and bailies of Peiblis, as follows:—Notwithstanding "ane communing and submissioun" between them and James Gledstanes of Cokillaw,—"quhilk of the awin natour comprehendis ane assurance,"—yet, before any discharge of the said submission, Robert Glaidstanes, son natural of the said James, and James Glaidstanes, his brother-son, both household men to him, and to James Glaidstanes, his son and apparent heir, by their special causing, came upon 9th July last to the hill of Caidmure, the complainers' heritage, where James Diksoun, their "pundler," was keeping their fields, and with the "schot of ane pistolett" and with "straikis of suordis and lanceis" slew him.—The pursuers appearing by Gawin Thomsone, bailie, and Johne Diksoun and Mathew Hay, burgesses of Peiblis, but the said Lairds elder and younger not appearing, and the said slayers not having been entered, the King and Council ordain them all to be denounced rebels. Page 384.

Sederunt—ut in die predicto.

Holyrood-house, 13th August.

Act for the better constitution of the wardenry of the West March in future, and for other means for establishing better order in that March.

"The quhilk day our Soverane Lord and the Lordis of his Hienes Privie Counsell being convenit for taking of sum solid conclusioun withe the present miserable estait of the West Bordour, and how the samyne in sum measour may be amendit, and thevis and brokin men stayit and impedit fra all forder robberie and thift, that the puire commonis and subjectis duelland within the boundis thairof and places maist ewest and adjacent thairto, quhilk hes bene subject to the saidis thevis invasionis of befoir, may heirefter leif in mair peax and quyetnes: and finding that it is maist necesser for the governement of the said Bordour, als weill to stay all invasioun fra ony of his Majesteis subjectis as to mak redres to the opposit wairdane of England of all sik complaintis as sal happin to occur, that ane wardane be appointit within the said Merche, quhome the Kingis Majestie may burden with ony sik offences as salbe committit within the boundis of that wardanrie: and, to the effect that all difficultie may be removit of the grit burding of the said chairge, sua that he quha sall tak the said office upoun him sall nawayis be dryven to ony impossibiliteis, bot his Majestie and the saidis Lordis being of that mynd and intentioun Page 385.

Acta 1598–1601.

that he quha sall undertak that chairge and dischairg his faithfull and honest deutie thairin sall not onlie have the benefeit of the particuler articles underwrittin speciallie introducit in his favouris, bot, besydes, his Majestie sall not omitt, as occasioun sall offer, to acquyt his guid service with ane worthie rememberance. In the first, his Majestie and the saidis Lordis hes presentlie declairit that ordour salbe tane be them that the wardane of the opposit Merche in England sall keip guid reull and quyetnes upoun his pairt, according to the bandis of peax and amitie betuix the tua realmes. And als it is presentlie declairit be his Majestie and the saidis Lordis of his Hienes Privie Counsell that quhatsumever outlawis or fugitives, nawayis being ansuerable to the said wardane, salbe resset within the Eist or Middle Merche, or yit in Liddisdaill, the wardanes, keiparis, and utheris his Majesteis subjectis quhatsumever salbe answerable for them of thair resset baith to England and Scotland, and the wardane of the West Merche to be relevit of quhatsumever crymes to be layit to thair chairge, the resset being tryit. And als hes ordanit letteris to be direct for randering to that persoun quhatsumever quha sall undertak that chairge upoun him of the castell of Lochmaben and hous of Annan, with all casualiteis belanging thairto. And siclyke ordanis the hous of Langholme at all tymes to be patent to the said wardane quhen he sall onywayis repair to the samyn. And, the mair to encourage the said wardane to be cairfull in his office, and to dischairg the samyn dewtifullie, his Majestie and the saidis Lordis, for the help and supplie of his chairges, and for rememberance of his service, hes assignit and disponit to the said wardane quhatsumever all and sindrie his Hienes casualiteis within the said wardanrie that sall in ony wayis fall during the tyme that he sall bruik the said office, exceptand alwayis all wairdis and mariages, nonentressis and all forfaltouris, except sik as ar forfalt for the caus of thift: quhilkis forfaltouris for the said caus of thift, togidder with all uther casualiteis pertening to his Hienes and falling within the said wardanrie, except befoir exceptit, salbe at the gift and dispositioun of the said wardane quha sall than beir the charge of the said office, and he sall have power to intromet with the samyn to his awin behuif, utilitie and proffeit. And, forder, it is declairit that all the baronis and landit men, als weill within the said West Merche as within the Middle and Eist Merches, salbe haldin, according to the heidis of the generall band, ather to mak thair men answerable to the complaintis baith of Scotland and England, or utherwayes entir themselfis for the releif of the said wardane within quhais boundis thay duell, in cais they be chairgit for redres of ony complaintis maid aganis them. And, in lyk maner, the saidis baronis and landit men salbe haldin to assist and concur with the saidis wardanes in the dew executioun of thair office, as thay will answer upoun the hiest paine and chairg that efter may follow. Alwayis it is presentlie concludit that the Kingis Majestie sall tak him to the wardene of the West Bordour for ony offences to be committit be ony duelland within the samyne. And the said persone, quha ever sall accept the said burding upoun him at this

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tyme, sall begyn the executioun of his office fra the day and deat of the deith of umquhile Sir Johnne Carmichaell of that Ilk, knycht, last wardane. And, according to the Act of Conventioun maid at Falkland the last day of Julii anno four scoir nyntein yeiris, hes dischairgit the said wardane, quha ever it be that sall tak the said office upoun him, in onywayis to tak redres for ony bill or complaint to be fyllit upoun ony duelland within the said Bordour for ony thift committit be them upoun ony of his awin subjectis sen the deceis of the said umquhill Sir Johne Carmichaell, bot sall caus execut the offenderis to the deith, conforme to the tennour of the said Act. And lykwayis the said wardane of the said West Merch salbe ansuerable and oblist to enter all landit men haldand thair landis immediatlie of the King, being within his said wardenrie, except sic speciall nobill men and baronis, and thair men and servantis, quha, being in degrie litle inferior to the said wardane, he sall nawayis stand bund to enter them, thair men and servandis, bot allanerlie salbe oblist to dilait and signifie thair names to the Kingis Majestie and his Counsell, quhilk sall releif him sufficientlie in that cais. And, to the effect the said wardane may the mair bauldlie adventur himselff in the said honorabill service, his Majestie and the saidis Lordis hes presentlie declairit that, in cais he sal happin to deceis within the tyme that he beiris the said chairge, his waird and mariage sall fall and appertein to the narrest of his kin and freindis, and the samyne salbe disponit to them without ony compositioun thairfoir. And als, to move the baronis, gentilmen and utheris duelland within the said wardanrie to concur, fortifie, and assist the said wardane, and the mair bauldlie to hazart themselfis for the advancment of his Hienes service, pacefeing of the cuntrey, and dantowning of they rebellious brokin men and thevis, it is in lyk maner declairit that quhatsoevir persone, duelland within the boundis of the said wardanrie, sal happin to lose his lyf in his Majesteis said service, the gift of his waird and mariage salbe disponit to the narrest of his kin, and that without ony compositioun at all. And, last, becaus ane of the best meanis to resist the saidis thevis and brokin men wilbe to have the baronis and uther landit men within the said wardanrie duelland in sic houssis of strenth and utheris places as ar maist ewest the saidis thevis themselffis, thairfoir his Majestie and the saidis Lordis of Secreit Counsell ordanis letteris to be direct, upoun ane simple chairge of ten dayis, chairging the particuler personis efterspecifeit to repair and duell in the speciall houssis and places under designit, and thair to remane with ane sufficient cumpany according to thair rank and conditioun, reddy to resist and oppone themselffis aganis the saidis thevis, and that ay and quhill the said cuntrie, being sua brokin as it is presentlie, may be brocht to ane satlit and peceable estait,—that is to say Williame, Lord Herreis, ather in Hoddum or Locarbie, Sir James Douglas of Drumlangrig, knycht, in the Ros or the Nuke, Sir James Johnestoun of Dunskellie, knycht, in some plaice quhair the Lord Herreis, in cais he be wardane, sall appoint, Chairterhous of Amisfeild in the hous of Bent, Thomas Kirk-

Acta 1601.

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Acta 1598–1601. patrick of Closburne in the place of Kirkmichaell, Greirsoun of Lag ather in Rochell or Mouswell, Jerdane of Apilgirth in the hous of Speldingis, the baronis of Galloway in Drumfreis. And the saidis chairges to contein and expres command aganis all keiperis and detenaris of the saidis houssis, to mak the samyne voyd and red, to the effect the foirsaidis personis, chairgit to duell within the samyne, may the better repair thairto."

Page 388. Understanding the "guide affectioun" of Sir James Johnestoun of Dunskellie "and his lang experience to administrat the office of wardanrie," his Majesty, with advice of the Council, constitutes him warden and justice of the West March, with full power to hold warden and justice courts, appoint "dayis of trew" with the opposite warden, charge all the lieges within the said wardenry to accompany him to the said days of "trew and meitingis," or otherwise to convene them at such days and places as he thinks meet "for thair avyse and opinioun to be gevin anent stainching of reif, thift, and utheris attemptis," and generally to do all things necessary to the execution of his office. Publication hereof to be Page 389. made, with charge to the subjects within the said bounds to obey Johnestoun as warden. The commission to endure till specially discharged by his Highness.

The Laird of Johnstone appointed warden of the West March.

"Forsameikill as, the Kingis Majestie and Lordis of his Secret Counsell having of lait, upoun dyvers guid respectis and considerationis, dischairgit Maisteris Robert Bruce, Walter Balcanquell, James Balfour, Williame Watsoun, and Johne Hall, sumtyme ministeris of Edinburgh, of all preiching or speiking publictlie to his Hienes people at ony tyme heirefter, yit, his Majestie and Counsell being cairfull that in the meantyme, quhill the kirkis of Edinburgh be sufficientlie provydit and plantit with ministeris, that the ordinarie policie within the Kirk be not neglectit and ouersein, bot that the ordinarie meitingis of the sessionis of the kirkis of Edinburgh be preceislie keipit, and all thingis proper to that jugment be decentlie handellit, orderit and put in executioun as effeiris: thairfoir his Majestie and the saidis Lordis ordanis ane herauld, maser, or officer of armes to pas to the mercat croce of Edinburgh, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and chairg the remanent of the ministrie of Edinburgh quha ar not dischairgeit, with the haill deaconis and elderis of the sessionis of the kirkis of Edinburgh, that thay keip thair ordinar tymes of meiting in thair said sessionis, and formallie and decentlie proceid and put in executioun sic thingis as ar and hes bein handlit befoir them, and that thay ouerslip not ony ane ordiner day of meiting, under the pane of rebellioun and putting of them to the horne: and, gif thay failyie or do in the contrair, that incontinent thairefter the said herauld, maser, or officer denunce them rebellis and put them to the horne, and escheit."

Charge to the kirk-sessions of Edinburgh to keep their ordinary meetings, notwithstanding the suspension of the five ministers of the town.

"Forsamekill as, upoun certane caussis and considerationis moving the Kingis Majestie and Lordis of Secret Counsell, certane of the ministeris of Edinburgh ar worthelie dischairgeit of all preiching or speiking publictlie

Act appointing five ministers to perform for the time the

duties of the five suspended ministers of Edinburgh.

to the people, sua that the kirkis of Edinburgh ar presentlie destitut of pastouris, and the Kingis Majestie being cairfull to have the saidis kirkis weill and sufficientlie plantit with the advyse of the commissioneris of the Generall Assemblie sua sone as convenientlie may be, and that in the meantyme the saidis kirkis be nocht destitute of precheouris, ordanis letteris to be direct chairging Maister David Lindsay, Maister Androw Lamb, Maister Peter Hewart, Maister George Robertsoun, and Johne Duncanesoun, that they and everie ane of them, *alternatis vicibus*, keip the preiching dayis following, viz. Sonday, Wednisday, and Fryday, within the burgh of Edinburghe, and in the severall kirkis thairof, to preiche to the people, ay and quhill the Kingis Majestie, with advyse of the commissioneris of the Generall Assemblie of the Kirk, provyd and plant the saidis kirkis as accordis, under the paine of rebellioun and putting of them to the horne." Acta 1598-1601. Page 390.

Falkland, 19th August.

Sederunt—ut in die subsequente.

To denounce Andrew Johnstone for not appearing to answer touching the Gowrie Conspiracy.

"Anent the chairg gevin be vertew of our Soverane Lordis letteris to Androw Johnestoun, burges of Perth, to have comperit personallie befoir the Kingis Majestie and Lordis of Secret Counsell this present day, viz., the nyntein day of August instant, to have answerit to sic thingis as sould have bein inquyrit of him at his cumming and layd to his chairg, tuiching the lait tresonable conspiracie devysit and intendit to have bein execut aganis his Hienes royall persoun be umquhill Johne, Erll of Gowrie, and Maister Alexander Ruthven, his brother, under the paine of rebellioun and putting of him to the horne, with certificatioun to him and he failyeit letteris sould be direct simpliciter to put him thairto,—lyke as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof. Quhilkis being callit, and the said Androw not comperand, the Kingis Majestie and Lordis of Secret Counsell thairfoir ordanis letteris to be direct chairging officeris of armes to pas and denunce the said Androw rebell."

Falkland, 21st August.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Athoill; Thesaurarius; Secretarius; Dunkeld; Advocatus; Computorum Rotulator; Spot; Murdocairny; Halhill.

Act appointing a solemn thanksgiving for his Majesty's delivery from the Gowrie Conspiracy.

"Forsameikill as the Kingis Majestie, with advyse of the commissioneris of the Generall Assemblie, hes appointit ane solemne and publict thanksgeving to be maid and keipit in all the kirkis of this realme, upoun the last Tuysday of September nixt and the Sabbothe nixt and immediatlie following thairefter, for his Hienes miraculous preservatioun and delyverie frome the treasonable and cruell invasioun of his Majesteis lyfe, attempted at Sanct Johnestoun be umquhill Johne, Erle of Gowrie, Maister Alexander Ruthven, his brother, and thair associattis: lyk as his Majestie and the saidis commissioneris hes fund guid and concludit that the haill Provinciall Assembleis salbe haldin in the thrid Tuysday of September, to Page 391.

Acta 1598–1601.

the effect that the maist convenient forme for the honour of God and steiring up of his Majesteis subjectis to thankfulnes in everie province may be condiscendit upoun and keipit with uniformitie: thairfoir ordanis letteris to be direct to mak publict intimatioun heirof be oppin proclamatioun at the mercat croces of the heid burrowis of this realme, quhairthrow nane pretend ignorance, and to command and chairge the haill ministeris to keip the saidis Assembleis cairfullie, and all his Majesteis subjectis to convein the saidis dayis and keip the ordour to be prescryvit, as thay will ansuer to his Majestie upoun the contrarie, and will gif his Hienes a testimonie of thair trew affectioun to his Majestie and the quyetnes of his estait."

Falkland, 22nd August. The Lairds of Moncrieff, Carnbee, and Balmonth fined for disrespect to the Council and breach of law.

Because of the "irreverent and undeutifull behaviour" of Williame Moncreif of that Ilk, and Sir Johne Melvill, apparent of Carnebie, by their "mutuall geving of leyis to utheris in presence of the Lordis of Secret Counsell sittand in judgment" upon 21st instant,—"thay having na respect nor regaird to his Majesteis said Counsell nor to the honour and reverence dew to them in all places, especiallie quhen thay ar in administratioun of justice,"—and also because Ramsay, younger of Balmonthe, has confessed in presence of his Majesty and Council his violation of law in pursuing on 14th inst. Ballenden with drawn sword upon the high street of Edinburgh, his Highness being then in the palace of Halyruidhous,—the said Laird of Moncreif is decerned to pay his Highness the sum of 100 crowns of the sun, the Laird of Carnebie 50 crowns, and the Laird of Balmonth 60 crowns.

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Charge to the Earl of Atholl, Lord Spynie, and others, to subscribe mutual assurances.

In accordance with the Act of Convention of Estates at Halyruidhous in July 1598, charge is to be given to Johne, Earl of Athoill, Alexander, Lord of Spynie, Rynd, laird of Kers, Gairdin, elder of Leyis, and Gairdin, younger of Leyis, on the one part, and to James, Master of Ogilvy, and Sir Johne Ogilvy of Craig, on the other part, to subscribe such form of assurances as shall be presented to them, within six hours after the charge, under pain of rebellion.

Glasgow, 31st August.[1]

Sederunt—PRESENTE REGE—Cancellarius; Mar; Fleming; Thesaurarius; Computorum Rotulator; Spott.

[1] The purpose of this visit of the King and Court to Glasgow seems to have been to enlighten that city and the west parts generally on the great subject of the Gowrie Conspiracy. There were, of course, speeches of congratulation to the King from the Glasgow city authorities; and on the very day of this council entry Mr. Patrick Galloway, who had accompanied the King, preached a sermon on the subject in his Majesty's presence in one of the Glasgow pulpits, full of details, and directed especially against that malicious interpretation of the facts which insisted that the plot was on the King's side and that he had gone to Perth to kill the Earl (see Calderwood, vi. 77–82). On Saturday the 23rd of August Mr. Thomas Cranstoun, George Craigingelt, and John Baron had been hanged at Perth as art and part in the Gowrie treason, for their several shares in the fray at Gowrie House (see footnote *ante*, p. 150),—not one of them having confessed to any knowledge whatever of any conspiracy. Andrew Henderson and Mr. William Rhynd were still under examination; and the torture of the boot had been applied to Rhynd.

Charge to the five suspended ministers of Edinburgh to appear before the Council to answer farther for their obstinacy in still doubting the reality of the Gowrie Conspiracy.

"Forsameikle as, Maister Robert Bruce, Maister James Balfour, Maister Williame Watsoun, Maister Walter Balcanquell, and Maister Johne Hall, sumtyme ministeris of Edinburgh, having maist undeutifullie behavit themselffis to the Kingis Majestie in thair obstinat and wilfull refuisall to gif thankis to God for our lait happie delyverie fra the tressoun and conspiracie intendit aganis his Majestie, and be thair distrusting of the undoutit treuthe of that mater, and fostering of the people in the lyk distrust and dout, and for the same thay being convenit befoir his Majestie and his Counsell, and thair offence being judgit to have merit maist seveir and schairp punischment, yit the Kingis Majestie, according to his Hienes accustomat lenitie and mercy, forbering that rigour and extremitie quhilk the saidis personis worthelie merit, be his Majesteis decreit maist favorablie pronuncit aganis them, dischairgit them onlie of speiking or preiching publictlie to the people, or repairing within ane certane space to the burgh of Edinburgh: nochtwithstanding quhairof, as his Majestie is credibelie informed, the saidis personis not onlie still continewis in thair infidelitie and blindnes, maliciouslie and wilfullie refuising to acknawleg the certane treuth of this mater, bot, to his Majesteis forder contempt, they hant and resorte in all pairtis of this cuntrie, dispersing mony untrew bruitis and rumouris aganis his Hienes, practising be all meanis to foster and interteny his Majesteis subjectis in the lyk wilfull errour and blindnes with thameselffis, and to lay upoun his Majestie the burding of that quhilk maist traterouslie wes devysit and intendit aganis his Hienes awin persoun: The Kingis Majestie ordanis thairfoir letteris to be direct chairging the persons abonewrittin to compeir personallie befoir his Majestie and Lordis of his Hienes Secret Counsell at Striviling, or quhair it sal happin his Majestie to be for the tyme, upoun the dayis respective following,—that is to say the said Maister Williame Watsoun upoun the nynt of September nix to cum, the saidis Maisteris Walter Balcanquell and Johne Hall upoun the tent day of the said moneth of September, and the saidis Maister Robert Bruce and Maister James Balfour upoun the ellevint day of the same moneth of September,—to underly sic forder punischment as his Majestie and Lordis of his Hienes Counsell sall injoyne unto them, under the pane of rebellioun and putting of thame to the horne." Acta 1598-1601. Page 393.

Stirling, 10th September.

Sederunt—PRESENTE REGE—Cancellarius; Mar; Thesaurarius; Blantyre; Kinlos; Computorum Rotulator; Spot; Clericus Registri.

Confession by three of the five suspended ministers of Edinburgh of their error in having doubted the truth of the Gowrie Conspiracy:

"The quhilk day in presence of the Kingis Majestie and Lordis of his Secret Counsell compeirit personallie Maister Walter Balcanquell, Maister Williame Watsoun, and Maister Johne Hall, ministeris, conforme to the chairg execut aganis them to that effect, and of thair awin frie motive confessit and declairit that they wer now fullie and throuchlie persuadit and assurit of the treuthe of the treasonable and unnaturall conspiracie devysit and intendit to have bein execut aganis his Hienes at Perth upoun the fyft Page 394.

cta 1598-501.

of August last be umquhill Johne, Erle of Gowrie, and Maister Alexander Ruthven, his brother, and that sein thair removing fra the burghe of Edinburgh thay had not directlie nor indirectlie delt nor travellit, be publict reasoning or privat conference, to put ony of his Hienes subjectis in distrust or doubt of that mater, and that they wald in publict manifest and declair thair said persuasioun and assurance of this mater, and move his Majesteis subjectis to do the lyk and gif thankis to God for the same. With the quhilk declaratioun his Majestie and Counsell being advysit, and considering that thair former distrust and dout gaif occasioun of the lyk doubting to utheris, his Majestie thairfoir and the saidis Lordis decernis and ordanis that the saidis personis, for a pruife of thair amendment and dewtifull behaviour in tyme cumming, and for satisfactioun of his Hienes subjectis quha, be thair errour and blindnes, hes bein careit with ony sinister opinion or doubt of the said mater, sall repair and addres themselffis with all guidlie diligence to the townis following, viz., the said Maister Walter Balcanquell to Tranent, Dalkeith, and Mussilburgh, the said Maister Williame Watsoun to Dumbar and Dunce, and the said Maister Johne Hall to Dumfermling, Sanctandrois, and Perth,—and thair, in the ordinar kirkis thairof, and upoun ordinir preiching dayis, that thay preich to the people, and in thair sermonis that thay mak ane publict and manifest declaratioun of thair awin assurance and persuasioun of the treuth of the said treasoun intendit be the said umquhill Erle and his brother, and crave God and his Majestie pardoun for thair ouer lang slawnes and doubting thairof, and thairwithall to move all men to gif thankis to God for his Majesteis delyverie, and schairplie to rebuik all sic personis quha continewis doutfull heirin; and that thay report to his Majestie ane testimoniall of the minister and eldaris of the townis and kirkis foirsaidis of thair conformitie to the premissis, that thairefter his Majestie may tak forder ordour with thame as salbe thocht expedient."

Order to them accordingly to make public recantation in sermons in certain churches in different towns.

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"Forsameikle as, umquhill Johne, Erle of Gowrie, and Maister Alexander Ruthven, his brother, having maist unnaturallie and treasonablie conspyrit the death and distructioun of the Kingis Majestie, our Soverane Lord, and in the actuall executioun of thair intendit treasoun they being baith worthelie slaine and his Majestie delyverit of that dangeir within the said umquhill Erlis awin ludging within the burgh of Perth, and his Hienes luiking for na forder danger or invasioun at that tyme: nochtwithstanding, it is of treuth that his Hienes wes of new assailyeit and persewit be a grit nowmer of the communitie and inhabitantis of the burgh of Perth, all in armes, quha environed his Majesteis hous on all pairtis, assegeit and persewit his Hienes within the same, uttering maist irreverent and undeutifull speiches aganis his Majestie, his nobilitie, and certane of his servandis and guid subjectis quha accumpaneit his Hienes for the tyme, and could nawayis be moved to forbeir thair tumultuous and insolent behaviour, bot did quhat in them lay, be crying for fyre and poulder, and rynning with jestis at the yettis of the said hous, to have blawin up the yettis of the said

Charge to the magistrates of Perth to answer for the insulting behaviour of inhabitants of that burgh round the King's residence after the Earl of Gowrie and his brother had been slain.

hous and to have exponed in hasard the lyfes of his Majestie and his guid subjectis: Quhilk attempt being sa publict and manifest, and assisted with sa grit a force of the inhabitantis of the said burghe and of certane of speciall rank and credit within the same, his Majestie can tak him to nane bot to the magistratis and counsell of the said burgh, quha representis the body of the same; and thairfoir ordanis letteris to be direct chairging the bailyeis of the said burgh, representing the haill bodie of the same, to compeir personallie befoir his Majestie and his Counsell at Linlithgow upoun the saxtein day of September instant, to answer to the premissis and to the contempt and indignitie done to his Majestie in manner foirsaid, and to underly sic ordour as salbe tane thairanent, under pane of rebellioun."[1] Acta 1598–1601.

Burgh of Dumbarton against the burgh of Glasgow, in the matter of certain impost duties recommended by a recent Convention of Burghs for the protection of the town of Dumbarton against the overflow of the Leven.

Action at the instance of the provost, bailies, council, and inhabitants of the burgh of Dumbertane, as follows:—The Commissioners of the Burghs, at their Convention held in Edinburgh upon 18th June last, "haveing consideratioun of the grit wraick, ruyne and distructioun lyk to befall to the said burgh, besydis the skaith quhilk the same hes alreddie sustenit, be the awaytaking of thrie scoir aikeris of land be the force and violence of the watter of Levin and utheris watteris about the said burgh, quhairby in proces of tyme the said burgh is lyk to be environed on all pairtis and ouerflowne with the saidis watteris," had, by an Act "past with haill consent, without contradictioun except sum oppositioun maid be the commissioneris of the citie of Glasgu," given liberty to the complainers "to impetrat of the Kingis Majestie and his Hienes Counsell ane certane impost and dewitie at lenth specifeit in thair said Act." His Majesty "'being cairfull of the weill and standing of the said burgh, and that the samyne sall nawayis perische and decay throw default of sa necesser and ressonable ane supplie and help sa frelie and voluntarlie condiscendit and agreit unto be the haill burrowis, as said is, quha ar the cheif and principall pairteis haveing interes in the mater," charge had been given to Robert Rowat, James Temple, and Thomas Glen, bailies of Glasgu, and to Johne Moderuill, bailie of Renfrew, to appear to hear his Majesty's gift decerned to be passed under the privy seal "to the saidis persewaris for uplifting of the said impost," or else to show cause to the contrary. And now, the pursuers appearing by Robert Page 396.

[1] As the deceased Earl of Gowrie was Provost of Perth and very popular with the townsmen, the outbreak referred to in the text had been very natural. The official account of the affair, published by his Majesty's command, mentions it thus:—"The tumult of the toun, hearing of the slaughter of the said Erle of Gowrie, their proveist, and not knowing the maner therof, not being on the counsell of his treasonable attempt, continued for the space of two or three houres therafter; untill his Majestie, by oft speeking out to them at the windowes, and beakening unto them with his owne hand, pacifeing them, causing the bailliffes and the rest of the honest men of the toun to be brought into the chamber, to whom, having declared the whole forme of that strange accident, he committed the hous and bodeis of the said traitours-brethrein, to their keeping untill his Majesties further pleasure were knowne." Specimens have been preserved of some insulting speeches about the King and his "Green Coats" used by the Perth people in the tumult.—See Pitcairn's *Criminal Trials*, ii. 194-200.

Semple of Corinth, bailie, Johne Buquhannane and Thomas Faulasdaill, burgesses of Dumbartane, and Sir Mathow Stewart of Mynto, provost, Robert Rowat and James Temple, bailies of Glasgu, appearing personally, with certain of the council of Glasgow, and Adame Knox, bailie, and Williame Sommeruill, clerk, of Renfrew, as procurators for the said burgh, being likewise present, the King and Council decern a gift to be expede to the pursuers under the privy seal, authorizing them to uplift the impost abovewritten within the liberties of the burgh of Dumbartane only,—"without prejudice alwayis of the libertie of the Watter of Clyd acclameit be the saidis defendaris to pertein to them and to be conjunct and undevydit betuix the saidis burghis of Glasgow and Dumbertane," the trial whereof, "togidder with explanatioun of the said Act of the Burrowis anent the liberteis of Dumbartane," is remitted to the Commissioners of Burghs, who are to meet in Parliament at Edinburgh in November next. The King and Council will allow whatever the said Commissioners shall decern; and till then the provost, bailies and council of Dumbartane are discharged of all uplifting of the said impost within the bounds of the Water of Clyd. It is also provided that the magistrates of Dumbartane shall account yearly in the exchequer for their intromission with the said impost; wherein if they fail the said gift shall be of no avail.

Sederunt—ut in die predicto: una cum Secretario et Advocato.

Stirling, 11th September.

Order for the banishment of Mr. Robert Bruce for still continuing sceptical as to the story of the Gowrie Conspiracy.

"The quhilk day, Maister Robert Bruce, minister, comperand personallie befoir his Majestie and Lordis of his Secret Counsell, conforme to the chairge execut aganis him to that effect, and his Hienes and the saidis Lordis finding, be the said Maister Robertis awin declaratioun maid in thair presence, that he still continewis doubtful and nocht throuchlie resolvit of the treasounable and unnaturall conspiracie devysit and intendit to have bein execut aganis his Hienes persoun be umquhill Johne, Erll of Gowrie, and his brother, at Perth upoun the fyft of August last: nochtwithstanding the lang and guid experience and the manifauld pruiffis quhilk his Majestie ever hes gevin of his Hienes clemencie in the haill proceidingis of his Majesteis governement, and that his Majestie of his awin naturall dispositioun hes ever bein mair inclynit to pitie nor to punisch quhen just occasioun of offence hes bein offerit,—the Kingis Majestie and Lordis of Secret Counsell having deulie considerit of the said Maister Robertis constant doubting and irresolutioun, and understanding that the same can nawayis proceid frome ane sinceir and deutifull hairt toward his Majestie, and that sic distrust and doubting in materis importing his Majestie and the haill cuntrey sua heichlie may produce na small dangeris and perrillis to his Hienes heirefter: thairfoir, and for eschewing of all sic dangeris and perrillis, his Majestie and the saidis Lordis findis that it can nawyse stand with his Hienes suirtie and honour that ony sic distrustfull personis salbe sufferit to remaine within this cuntrey, and thairfoir decernis and ordanis the said Maister Robert

Bruce to remove and depairt furth of this realme betuix and the aucht day of October nix to cum, and on nawayis to returne agane within the same, nor yit repair within the realme of England, without his Hienes licence had and obtenit to that effect, under the pane of deid; and in the meantyme, quhill his depairtur, that he remaine in the place of Airthe for making of his provisioun and furnisching, and that he addres himself to the said place this present day; and ordanis the maser of Counsell to pas and mak intimatioun heirof to the said Maister Robert, that he pretend na ignorance thairof."[1] Acta 1598-1601.

Order to Mr. James Balfour, who has confessed his error in distrusting the story of the Gowrie Conspiracy, to make public retractation.

"The quhilk day in presence of the Kingis Majestie and Lordis of his Secret Counsell comperit personalie Maister James Balfoure, minister, conforme to the chairg execute aganis him to that effect, and of his awin frie motive confessit and declairit that he was" [here follow the terms *literatim et verbatim* used in the Act concerning Mr. Walter Balcanquell and his colleagues (*ante*, p. 158), except that for the plural form the singular is of course now employed, and that the burghs in whose pulpits Balfoure is to make recantation of his error in having doubted the truth of the conspiracy are Dundie, Montrois, Arbroth, and Brechin]. Page 399.

Act anent the keeping of the Castle of Stirling, with precautions as to access to the young Prince in his residence there.

"Forsameikill as it is thocht necesser and expedient be the Kingis Majestie and Lordis of his Hienes Secret Counsell, for dyvers guid respectis and considerationis, that the haill cumpanyes and trynnis attending and awaiting upoun noble men and baronis sall not be sufferit to have acces within the castell of Striviling, quhair the Prince, his Hienes darest sone, remanis, as hes bein accustumat in tyme bygane at sic tymes as his Majestie is absent and makis nocht his residence within the said Castell, bot that the said Castell be cairfullie keipit and the bygaine abuse and disordour removed and helped in maner following:—that is to say, that every erle have acces within the said Castell with four personis onlie and himself, every lord with tua personis, everie baroun with ane persoun, and every gentilman and utheris personis single and allane, and all without armour, saulfing thair suordis; and that the saidis personis, except the erles, lord and baroun, at thair entrie within the said Castell, lay thair suordis fra them at the yet in the place appointit to that effect, quhair thay sall ressave thair saidis suordis againe at thair furth cumming: and ordanis and commandis Johne, Erll of Mar, quha hes the chairge of the keiping of his Majesteis said sone, and of the said Castell, to caus this ordour be observit and followit out in tyme cumming, as he will answer to his Majestie upoun the contrarie."

Brechin, 9th October.

Sederunt—PRESENTE REGE—Cancellarius; Mar; Computorum Rotulator; Elimosinarius.

[1] For an account of Mr. Bruce's appearance before the King and Council, and of the dialogue that took place between him and his Majesty, see Calderwood, vi. 83–86; and for an account of the subsequent incidents, with letters and conversations of Mr. Bruce, interferences in his behalf, &c., till his actual embarkation for France on the 3rd of November, see pp. 86–99 of the same.

1598–1600. Complaint by Johnne Barclay in Turingis, as follows:—In the possession of the sunny half lands of Hiltoun, lying in Forfarshire, belonging to him in tack, he is "maist hevilie molestit, trublit, and opprest" by Mr. Walter Lindsay of Balgai, who intends to intrude himself into the same and violently intromit with the present crop and corns extant upoun the said lands. For this effect, upon 6th instant, the said Mr. Walter, "being advertist that the said complener had provydit hors and cairtis to have led certane of his cornis of the saidis landis," had, with ten horsemen and sixteen footmen, all armed with swords, jacks, spears, steelbonnets, forks and pistolets, come to the said lands, and "sett" about the said complener. They had chased him to the place of Guthrie; and "at the yairdis thairof ane of the said Maister Walteris servandis had ane bendit pistolet reddie to have dilascheit in the said complenar, wer not ane servand of the said Laird of Guthreis stayed him." Mr. Walter and his accomplices had then turned back to complainer's servants, who were leading his corns, and violently taken from them three horses, at the same time carrying away with them Andro Skrymgeour, Johne Robertsoun, and Robert Ogilvy, whom they yet detain as prisoners.—The pursuer and defender appearing personally, the King and Council assoilzie Mr. Walter, because, the whole points of the charge having been admitted to complainer's probation, "he succumbit and failyeit in preifing thairof." Absolvitor to Mr. Walter Lindsay from pursuit at the instance of John Barclay for alleged spuilyie, violence and oppression.

401. Complaint by Patrik Guthrie of Pitmoweis against the same Mr. Walter Lindsay of Balgai for having come upon 6th instant "airlie in the morning," armed and accompanied as above, to the complainer's lands of Langland, and violently taken away with them Williame Robertsoun and Johne Meirnis, complainer's servants,—who are still kept as prisoners,— and for having reft two horses belonging to complainer.—Both parties appearing personally, and the defender having declared that he had apprehended the said persons while they were actually breaking an arrestment, made by virtue of the King's letters, of the corns of the lands of Hiltoun, and had presented them to his Majesty at Inglismadie "to have underlyne punischment for the said offence," and thereafter put them to liberty, the King and Council, after consideration of the case and of depositions of witnesses, assoilzie the said Mr. Walter from the complaint, because it was lawful to him to apprehend the said persons in the actual committing of the said offence, and also because the pursuer has failed to prove the remaining points of his summons. Absolvitor to the same Mr. Walter Lindsay from a similar complaint of Patrick Guthrie.

402. Complaint by Georg and David Ramsayis, sons, and Issobell, Elspet, Jeane, and Marioun Ramsayis, daughters, of the late Patrick Ramsay in Haltoun in Rattray, and executors to him, as follows:—Their late father delivered "in girsing" to Williame Dow *alias* Makvorie eleven oxen, upon his faithful promise to redeliver the same at the time agreed upon,—now long bygone. Nevertheless, Dow has "thifteouslie put the saidis guiddis away himself, or then be his convoy brocht in certane brokin hieland men quha tuk the same, sua that he wes alwayes upoun the counsell and knawleg of the awaytaking of the saidis guidis. And now, quhen thay cravit To denounce William Dow for not answering to a complaint of theftuous dealings.

delyverie of the saidis guidis, conforme to his promeis, he maist craftelie and unhonestlie objectis aganis the saidis compleneris the steiling of the saidis guidis." The complainers, being "puir fatherles bairnis," will be "alluterlie wrackit" unless the said Williame be compelled to make redress.—The pursuers appearing by David Lyoun in Bagillo, their procurator, the defender, for not appearing, is to be denounced rebel. Acta 15 1601.

Commission for winning the corns of Hilton.

His Majesty understanding that Mr. Walter Lindsay of Balgai, on the one side, and Johnne Barclay of Hiltoun, on the other side, pretending right to the present crop of the lands of Hiltoun, both intend to intromit with the same, "sua that it is to be feirit that sum inconvenientis fall out betuix them," and both parties appearing personally, the King and Council give commission to Williame Falconer, messenger, to win the corns of the said lands and stack them in the barnyard of Hiltoun, there to remain till it be decided by the Lords of Council and Session to whom the same pertain,—both parties to cease meanwhile from all intromission with the said corns, under pain of rebellion. Page 40

Dundee, 12th October. Act to prevent the spread of the plague, now broken out in Findhorn.

As the "plaig of the pest" has lately, "at Godis plesur, enterit and brokin up within the towne of Findorne, quhilk may have ane forder cours and progres within this realme, gif God of his mercy remove not the same," that therefore "all lauchfull meanis be used quhilk may stay and impeid the cours thairof," there is order to charge the whole inhabitants of the said town, and of other places thereabout where there is "ony suspitioun of the pest," to remain in the said places and not to repair to the country, under pain of death, till the said "plaigue and all suspitioun thairof be removed," and also to forbid all and sundry, by open proclamatioun at the market crosses of the head burghs, to resort to the said "suspect places," or to "enterteny ony trafficque or handling with the inhabitantis thairof during the tyme of the continuance of the said plague," under the said pain of death. Page 40

Holyrood-house, 17th October.[1]

Sederunt—PRESENTE REGE—Thesaurarius; Newbottle; Secretarius; Kinlos; Advocatus; Collector; Computorum Rotulator; Spot; Tracquair; Clericus Registri.

Proclamation to contradict rumours that the appointed meeting of Parliament is to be post-poned, and to charge due attendance upon it.

The King and Council understanding that "sum restles and busie personis hes dispersit bruittis and rumouris amangis his Hienes subjectis that his Majestie intendit to continew his Hienes Parliament quhilk is proclameit and appointit to begyn upoun the first of November nix to cum, doing

[1] Three days before this meeting of Council, viz., on Tuesday the 14th of October, there had been a very important ecclesiastical Convention round the King at Holyroodhouse, in the shape of an assemblage of those special Commissioners of the Kirk who had been appointed by the last General Assembly as an ecclesiastical council to the King, together with delegates from the different Synods. The Convention had been called by the King to advise him on various church matters, but chiefly as to what was to be done with the five ministers of Edinburgh who had offended him by their scepticism about the Gowrie Conspiracy. All the five had been suspended from their Edinburgh charges and banished

1598– thairby quhat in thame lay to have frustrat and disapointit the dew executioun of the speciall materis appointed to be intreated in the said Parliament," there is order to make publication of the contrary by pro-

from the town by the Act of Council of August 12 (*ante*, p. 148), and there had been another Act of Council on the following day (*ante*, pp. 155, 156) appointing five other ministers to officiate in Edinburgh in their stead till further arrangements were made. Since then four of the offending five—viz., Messrs. Walter Balcanquall, William Watson, John Hall, and James Balfour—had made their humble submission (*ante*, p. 158 and p. 162), and only Mr. Robert Bruce still stood out. But, although the penalty on Bruce had therefore been most severe, and he was under sentence of banishment from Scotland (*ante*, p. 161), the King was not disposed to be very lenient even with the four who had submitted. He wanted to have all the five removed permanently from Edinburgh, so that their places there might be filled by men more to his mind. It was on this business that he had called the present Convention of leading ecclesiastics. There was much reasoning and debate on the subject, the friends of the offending clergy, and especially Mr. James Melville, urging that the Edinburgh charges could not be declared vacant till the present holders had been deposed by the authority of the Church itself. As the King remained firm in his determination, it was proposed, by way of compromise, that a deputation of those present should be sent out to wait on the offenders and see whether they would gratify the King by voluntarily consenting to be transported to charges away from Edinburgh. The deputation so sent out consisted of Mr. William Scot, Mr. John Carmichael, and Mr. James Melville; and it was while these three were absent on their delicate duty that another piece of business, which the King had in reserve, was brought before the Convention, and carried through rapidly to the King's satisfaction. "When we war absent," says Melville, "the King, with his Commissionars and the breithring ther conveened, in what form I can nocht tell, nominats and chuses thrie Bischopes,—Mr. David Lindsay, Bischope of Ros, Mr. Piter Blakburn, Bischope of Aberdein, and Mr. George Gladsteanes, Bischope of Catnes" (Melville's *Diary*, Wodrow Society edit., p. 489).—Although Prelacy of a kind, with certain carefully worded *caveats*, had been virtually accepted by the General Assembly of the Kirk at Montrose in the preceding March (*ante*, p. 94, footnote), this actual nomination of three ministers to be diocesan Bishops was the first overt act giving effect to that agreement, and was indeed a step in advance. The present, therefore, may be the place for some account of the state of the Scottish Episcopate as a whole in 1600.—The two old Scottish Archbishoprics were practically defunct. The temporalities of the Archbishopric of St. Andrews had been wholly in the hands of the Duke of Lennox since the death of the last Archbishop, Patrick Adamson, in Feb. 1591–2; and those of the Archbishopric of Glasgow, after various fortunes under the two or three Protestant clergymen who had been nominal holders of the Archbishopric since the Reformation, in succession to James Beaton, the forfeited pre-Reformation Archbishop, had recently, by an Act of Estates in June 1598, been given back to that Roman Catholic prelate, in his extreme old age and exile, in consideration of his faithful services to Queen Mary, and of some services latterly of a diplomatic kind to King James himself (*ante*, vol. v. p. 464). The two Archbishoprics, therefore, were for the present quite unavailable for the King's purposes of a completely restored Episcopal system of Church administration. Nor were the subordinate Bishoprics wholly at his command. Of the eight Bishoprics belonging to the Province of St. Andrews five were unavailable, as being either now temporal lordships or held by merely nominal and ineffective ecclesiastics,—viz.: *Orkney* (in the lordship of the Earl of Orkney), *Moray* (in the lordship of Lord Spynie, though with a Mr. Alexander Douglas serving in it), *Dunkeld* (Mr. Peter Rollock), *Brechin* (Mr. Alexander Campbell), and *Dunblane* (Mr. Andrew Graham). Of the three Bishoprics belonging to the Province of Glasgow, those of *Galloway* and *The Isles* were, according to Spotswood, "so dilapidated as scarce they were remembered to have been," and only that of *Argyle* was held by a preaching minister (Mr. Neil Campbell). As the conditions under which the late General Assembly at Montrose had accepted a new Prelacy made it essential that every new Prelate should be a preaching and working minister, all that the King could do at the moment was to add to this last-named Bishop of Argyle, in whom this condition was already fulfilled, three new similar Bishops for those three of the Bishoprics of the Province of St. Andrews that chanced to be vacant. These were:—*Aberdeen*, recently held by Mr. David Cunningham; *Ross*, vacant since the death of the exiled Bishop Lesley in 1596; and *Caithness*, long vacant, but capable

clamation at the market crosses of the head burghs, with charge to all and sundry, earls, lords, prelates, commissioners for the small barons and burghs, and others having vote in Parliament, to come to Edinburgh upon 1st November next, at least to be "present heir betuix and saxt day of the same moneth, and thair attend and await upoun the said Parliament, as thay will declair thair affectioun to his Majestie and to the furtherance of this his Hienes service, quhairin his Majestie is sua heichlie tuicheit,"—all under the pain of unlaw due for absence from Parliament. Acta 1 1601. Page 4

Holyrood-house, 18th October. Act reponing Mr. John Hall, minister, to his former calling within the burgh of Edinburgh.

"The Kingis Majestie, remembering the lait occasioun quhilk procureit the act and ordinance of Counsell dischairging the fyve auld ministeris of Edinburgh of ony forder teiching within ony pairt of his Majesteis dominioun, as alsua of thair approcheing to the toun of Edinburgh be the space of ten myllis during his Majesteis pleasure, as in the said Act, beiring dait at Halyruidhous, the [12th] day of [August: *ante*, p. 148], at mair lenth is contenit, and being now sufficientlie weill satisfeit with Maister Johne Hallis resolutioun and declaratioun maid to his Majestie anent his pairt of the said occasioun, ordanes thairfoir the strenth and ordinance of the said Act to ceis and have na forder force aganis the said Maister Johne, bot to be in tyme cumming voyde and of na effect for his pairt, as gif his name had never bein insert. And, in full taikin thairof, his Majestie and Counsell foirsaid restoiris, redintegrattis, and reponis the said Maister Johne to his full libertie, baith to repair againe to the said Toun and to dischairg his former functioun and calling within the same, and ordanes him to re-enter againe to his said teiching thair at his first opurtunitie, in lyke stait and with that fredome everie way as gif that Act had never bein maid."[1]

Holyrood house, 28th October.

Sederunt—Cancellarius; Fyvie; Secretarius; Dunkeld; Comptroller; Collector; Advocatus; Clericus Registri. Sederu Fol. 22

[No record of proceedings.]

Holyrood-house, 30th October.

Sederunt—Cancellarius; Levingstoun; Fyvie; Newbottle; Thesaurarius; Secretarius; Dunkeld; Kinlos; Collector; Clericus Registri. Acta,

John Kirkcaldy against John Boswell, for troubling him in the possession of his seat in the kirk of Kinghorn.

Complaint by Johne Kirkaldy, as follows:—Thirty years ago he erected a seat

of resuscitation. To these three Bishoprics, accordingly, there were now to be presented, respectively, Mr. Peter Blackburn, one of the ministers of Aberdeen, Mr. David Lindsay, minister of Leith, and Mr. George Gledstanes, minister of St. Andrews. For their antecedents see the Register hitherto by the Indexes. The three new Bishops of Aberdeen, Ross, and Caithness, with Mr. Neil Campbell, as already Bishop of Argyle, were to be the representatives of the revived system of actual *clerical* Episcopacy till there could be additions.

[1] Calderwood, commenting on this indulgence to Mr. John Hall, while no such favour was shown to the other four offending ministers of Edinburgh, hints (vi. 96) that Hall's submission to the King had involved more than theirs, and that, "secreitly and underground," he had become an agent for the King's ecclesiastical policy.

a 1598-1.

in the kirk of Kinghorne; and he has possessed the same without any trouble till Sunday last, 26th instant, when Johne Boiswell of Baglerie brought together Williame Boisuell, his brother, Trotter, his servant,

ge 407.

Barain of that Ilk, with sixteen others, all armed with "secrettis, suordis, steilbonnettis, gantellettis, and utheris waponis invasive," who "in tumultuous and bragging maner directit them to the said kirk, about aucht houris in the morning, the tyme of the prayeris," and, "without respect to the tyme or place," demolished his said seat and removed it from the place where it had stood for 30 years. To the effect he "mycht have drawin the said complener in ane unconvenient, he having letteris of lawborrowis aganis him," Boiswell "immediatlie befoir the committing of this ryot, causit execute the same letteris aganis him, thinking, gif the said complener had preissit to have withstand him, or to have repairit the offenc done to him, that he sould have gottin the said complener convict in the pane of the said lauborrowis, and sua under a pretendit clok of justice to haif abusit the Kingis Majestie and his Hienes authoritie."—Charge had been given to the said Johne Boiswell and Johnne Trotter to appear this day and answer; and now, both appearing, the Lords remit the matter to the ministers of the presbytery where the parties dwell, the said presbytery to take trial therein and report to the Council.

Anent the entry of certain persons by the Earls of Argyle and Atholl.

The Lords continue till 25th November the action pursued by the treasurer and advocate against Archibald, Earl of Ergyll, touching the entry by him of Duncane and Johne Stewartis, sons of Donald Macinord, his men, and that against Johne, Earl of Athoill, for the entry of Alexander and Johne Stewartis, sons of Dougall Stewart in Athoill, and

ge 408.

James Stewart, son of Johne Stewart in Boaspie, the said Earl's men, to answer touching the plunder taken by them out of Strabrane upon 27th August last. Samuell Birs, procurator for the Earl of Athoill, being present, is warned of this continuation.

Edinburgh, 1st November. Feud between Robert Bruce and Bruce of Fingask.

The Lords continue till 18th instant the letters executed against Sir Robert Bruce of Clakmannane and Bruce of Fingas for their appearance upon 4th November instant in order to the removing of "the feid and querrell" between them.

Holyrood-house, 2nd November. Proclamation for keeping the peace during the meeting of Parliament.

As the King's High Court of Parliament "is alreddy begun and haldis within the burgh of Edinburgh, quhairat a nowmer of his Hienes Nobilitie, Counsell, and Estaitis ar to be present for grit and wechtie materis, tending to the glorie of God, suirtie of his Hienes, and commone weill of the realme," and as, "albeit the majestie and natur of the Parliament importis ane generall assurance to all the subjectis of the realme repairing thairunto, and that his Hienes nawayis doubtis bot that all guid and loving subjectis will have a dewtifull regaird to keip the tyme of the said Parliament," yet it is "to be feirit that some wicked and evill disposed persons sal, be lowking, outragious countenance, or reprochfull speichis, do quhat

in them lyis to enter noblemen and gentilmen in blude, and sua indirectlie, quhair force faillis them, to work the effect of thair perverst myndis": there is order therefore to charge, by open proclamation at the market crosses of Edinburgh and the Cannogait, all and sundry the lieges who are attending or shall attend this Parliament to observe the King's peace, and not to provoke one another in word, deed, or countenance, "nor mak and tell lesingis for sawing of discord and dissensioun amangis his Hienes nobilitie and utheris his Hienes subjectis," but "that thay and everie ane of them endivoir themselffis to keip the haill tyme of this Parliament unviolat," with certification to contraveners that his Majesty "will accompt ane louk to be gewin at this tyme as a cryme of mutillatioun, and ane straik to be gevin as a cryme of treasoun intendit aganis his Hienes awin persoun," and further that they shall be held as favourers of the "vyle and traiterous conspiracie" intended against his Majesty at Perth upon 5th August last, and punished accordingly. Charge is to be given to the provost and bailies of Edinburgh and the Cannogait to apprehend offenders and commit them to ward. Acta 1593, 1601. Page 409

Holyrood-house, 3rd November.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Fyvie; Thesaurarius; Blantyre; Secretarius; Kinlos; Advocatus; Collector; Computorum Rotulator; Dunkeld; Tracquair; Spot; Clericus Registri; Cesfurde.

Act anent the formalities to be observed in attending the King to Parliament, and behaviour during the Parliament.

The King and Council considering the "decay of the forme and majestie of his supreame court of Parliament," and his Majesty "being cairfull to have the same restoirit to the auld integritie, ordour, and dignitie, alsueill anent the honorable convoy of his Majestie to and fra the tolbuith as in a decent and comlie ordour to be observit and keipit within the tolbuith during the tyme of this present Parliament": there is order to charge, by open proclamation at the market crosses of Edinburgh and the Cannogait, all and sundry earls, lords, prelates, commissioners for the small barons, and others having vote in this Parliament,—the commissioners of burghs only excepted,—that they and every one of them, "rydand on horsback, cled with futmantillis and utheris abuilyementis and clething requisit for the honour of the present actioun," accompany his Highness, each in his own rank, to and from the palace of Halyruidhous and the tolbooth of Edinburgh, "and that nane schaw themselffis unhorsit or wantand futmantellis," under the pain of "tinsell of thair vot and place in the said Parliament, and to be repute as absentis and to incur the paine dew to absentis"; also, to command all and sundry the lieges at their highest peril "not to repair to the tolbuith befoir his Majestie, or to do ony thing quhairby hinder or unquyetnes may follow, or ony of his estaitis or utheris his officeris may be prejudgeit of thair places and rowmes, or impedit in the executioun of thair offices." The King's constable and marischal are required to see that "thir presentis ressave dew effect and executioun in all pointis"; and all the lieges that have already repaired, or Page 41

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shall hereafter repair, to this Parliament are commanded to keep good rule and observe the "haill tyme of the Parliament unviolat," under pain of death.

Act against coming armed within his Majesty's palace or other places of residence.

The King and Council considering that "dyvers personis hes tane the libertie and bauldnes this lang tyme bygaine to repair and enter within his Majesteis palaceis and utheris paliceis of his Hienes residence armit and furnist with jakis, secrettis, corslettis and uther hid armour under thair doublettis and coittis, sumtymes pretending the caus of thair awin defence and utheris siclyk frivolous caussis, nawayes to be allowit nor sufferit; be the quhilk unlawfull and unalowable forme of doing not onlie is his Majestie tuicheit in honour, bot lykwayes it is feirit that some desperat and evill disposit personis may heirby tak the occasioun to attempt sum disperat and treasonable enterpryse, to the hazard of his Hienes persoun": it is therefore ordained that any persons repairing within the palaces or places of his Majesty's residence carrying any other arms than their swords and whingers shall incur the pains due to "bereris, weireris, and schuiteris of hacqubuttis and pistolettis"; and, for the better execution hereof, his Majesty's master porters and ushers are required "diligentlie to search all sik personis entering within his Majesteis palice quhome thay sall suspect to be armed in maner foirsaid, and to commit them to waird quhill ordour be tane anent thair dew punischment."

Act prescribing the number of persons that may accompany noblemen to Parliaments and within the King's palace.

As the "grite and monstrous bakis and cumpanies commounlie awaiting upoun noblemen and baronis at Parliamentis and Conventionis, and repairing within his Majesteis palice and to his Hienes awin presence," are "not onlie offensive and displeasant to his Majestie, bot werie dishonourable to the natioun," the King and Council order charge to be given, by open proclamation at the market cross of Edinburgh, to all and sundry noblemen and barons repairing to this present Parliament not to come within his Majesty's palace attended by more persons than are here enjoined, under pain of incurring the King's wrath and indignation,—viz., every earl with twelve persons, every lord with eight persons, and every baron with four persons if he be alone, or, if he be in company with a nobleman, with his page and himself. The captain of the King's guard and his Majesty's master porters are to see to the execution of this act in all points.

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Holyrood-house, 4th November.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Levingstoun; Setoun; Fyvie; Newbottle; Thesaurarius; Secretarius; Blantyr; Murdocairny; Dunkeld; Kinlos; Halyruidhous; Privy Seal; Collector; Computorum Rotulator; Cesfurd; Tracquair; Advocatus; Spott; Clericus Registri; Elmosinarius.

To denounce Hucheon M^cGillespic and Duncan MacIntosh for not answering to a charge of stealing a ship.

Complaint by Thomas Inglis, burgess of Edinburgh, and Robert Sinckler, skipper in Leith, owners of "the Jonas of Leith," that in April last, while the said ship was engaged at the fishing in the Loch called Lochschell in the Lewis, ladened with certain merchandise, Hucheoun M^cGillaspeik in Watternes, and Duncane M^cIntosche, son of Lauchlane M^cIntosche of

Dunnauchtane, with their accomplices, "bodin in feir of weir," came to the said ship and masterfully reft and away-took the same, with the goods and gear in her, to the "utter wrack and undoing" of the complainers.— The complainers appearing personally, the defenders, for not appearing, are to be denounced rebels. Acta 1598-1601. Page 412.

Suspension of horning against Edmonston of Wolmat for working the coal-heughs of Wolmat.

Action by Patrik Edmestoun, son and heir of the late Archibald Edmestoun of Wolmat, and by Patrik Edmestoun of Netoun, his tutor testamentary, and by the coalhewers of Wolmat, as follows:—James Keling and , messengers, executioners of the King's letters, "be the instigatioun of them quha hes purchest the samyne, quhais names ar altogidder suppressit," have charged the complainers to desist from working the coals or coalheughs of Wolmat, and in case of their disobedience intend to put them to the horn. Now, the said letters "ar purchest be sum privie moyane and sinister informatioun, *suppressa veritate*," the complainers not having been called to the granting thereof and no decree given against them in the matter; "lyk as nane can be gevin," because the said Archibald died in 1599 lawfully infeft and seised therein, and the said Patrik and his tutor have been continually since in the peaceable and unchallenged possession of the said coalheughs. Yet, for obedience, the complainers have found caution to cease from all "forder waisting or melling with the said coll," in case it shall be found they ought. In respect whereof the said letters should be suspended simpliciter.—The pursuers appearing personally, and James Keling being also present, the King and Council do suspend simpliciter the foresaid letters, the pursuers having promised that thay "sould not *inutile* waist and destroy the saidis coillis and colhewis aganis the commone weill of the cuntrie." Page 413.

Suspension of horning against the Laird of Edmonston for working the coal-heughs of Niddry.

Action by Andro Edmestoun of that Ilk and the coalhewers of Nudrie, as follows:—Letters have been issued against the said Andro, alleging that, notwithstanding his promise to his Highness not to "waist" the coal of Nudrie, yet he daily causes his servants to "waist and destroy the said coll," and therefore charging him to desist from all farther "waisting or melling with the saidis collis," under pain of rebellion. Now, the complainer is heritably infeft and seised in all and whole the lands, coal, and coalheughs of Nudrie, "be vertew quharof he is now, as he hes bein thir dyvers yeiris bygane, in peceable possessioun of the saidis landis, coll, and colhewis thairof, with the pertinentis, and aucht nawyse to desist and ceis thairfra." At the same time he has found sufficient caution for his obedience to what may be declared to be the law.—The pursuer and Keling appearing personally, the King and Lords of Council suspend the said letters. Page 414.

The prescribed order for the procession in riding to Parliament.

"The ordour to be keipit be the noblemen and utheris in accumpaneing his Majestie fra his palice to the tolbuithe during the tyme of this Parliament. Page 415.

First, the commissioneris of burrowis to ryd formest, with futemantillis, cled in blak gownis, and twa in ane rank. The commissioneris of barronis to follow thame in the lyk ordour, with futmantillis. Nixt unto them sa

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mony of the Counsell and Officeris of Estait as ar nocht erlis nor lordis, tua onlie in ane rank. Efter thame the pryoris, abbottis and bischoppis, according to thair digniteis, in futmantillis and silk gownis, tua onlie in ane rank. Nixt unto them the lordis, according to thair rankis, with futmantillis of velvot. Nixt unto them the erlis, according to thair rankis and degreis, with the lyk futmantillis. Efter thame the trumpettouris in ane semlie array, with comlie flaggis to thair trumpettis. Efter thame the pursevantis and herauldis, with thair blasoun coittis and futmantillis, tua and tua in ane rank. Nixt to them the lyoun herauld, him alane, with his cot of armes and ane velvot futmantill. Nixt to him the sword, the sceptour, and the croun, immediatlie befoir his Hienes persoun. Upoun his Majesteis rycht hand the capitane of his Hienes gaird, and at his Hienes left hand the grit maister stabuler. Efter his Majestie immediatlie the grit chalmerlane and chancellar, and behind them the Marques of Hammiltoun and Huntlie, to be followit with the maister houshold, gentilmen of the chamber, and uther gentilmen of qualitie serving his Majestie in office or attendance."

Holyrood-house, 7th November.

Sederunt—Cancellarius; Marquis Huntlie; Errol; Mar; Levingstoun; Seytoun; Fyvie; Thesaurarius; Secretarius; Blantyre; Murdocairny; Dunkeld; Kinlos; Clericus Justiciarie; Advocatus; Clericus Registri; Halyrudehous; Privy Seal; Computorum Rotulator; Tracquair; Elimosinarius.[1]

Mr. John Gilchrist against Mr Andrew Knox, minister of Paisley, for malicious persecution and slander, and against the presbytery of Paisley for illegal proceedings in the trial of the same.

Page 416.

Complaint by Mr. Johne Gilchryst in Paislay, as follows:—Mr. Androw Knox, minister at Paislay, having conceived hatred and malice against complainer because he would not dispone to him his lands of Boigsyd and Sandiefurd, "hes be all indirect meanis procurit and wrocht the said compleneris wrack, discredit and sclander," (1) by removing him without any warrant of the Kirk "fra his service and cuir" in the kirk of Paislay, wherein he was placed with the consent of the Kirk, (2) by causing the bailies of the town to displace him "fra teiching of thair scule," and (3) by laying to his charge the crime of adultery with Margaret Ralstoun, daughter of the Laird of Ralstoun, and using "ane extraordinar and preposterous forme of proceiding" to get him convicted. He has moved the ministers of the presbytery of Paislay to raise an action against him before themselves for the said crime, "quhairin thay pretend to proceid aganis him, and in the tryall thairof to use the depositionis and testimonie of wemen-husies and bairdis." Now, they are not judges competent in this matter, because there is no pursuer or informer but the said Mr. Andro himself, who has raised this slander and is prosecuting without the knowledge or consent of Johne Waus, spouse of the said Margaret, who has no suspicion "of ony sic foull cryme," but esteems her as "ane honest and faithfull wyf," and "will not concur in ony sic persute aganis hir, bot

[1] In the corresponding sederunt, as recorded in the Book of Sederunts under this date (fol. 22, b), "Saltoun" appears among the Councillors.

hes altogidder disasentit thairfra, and is verie heichlie commovit with the said Maister Androw and remanent ministeris of the presbiterie for sclandering of his said wyf." Farther, the said charge being criminal, the said presbytery has no authority or jurisdiction in the matter, but the trial thereof should take place before the Justice "be ane honest and famous assyse," inasmuch as "upoun the event thairof dependis the hazard and perrell of the said compleneris lyf".—Charge had been given to the ministers of the said presbytery, convened for the time in Glasgu, to appear and answer; and now, the pursuer appearing personally, but the defender failing to appear, the Lords discharge the said ministers of all proceeding against Gilchryst till the said crime be first tried before the Justice. Acta 1598–1601. Page 417.

Holyrood-house, 9th November.
Protest by the Earl of Errol, as constable of the kingdom.

Francis, Earl of Erroll, constable of this realm, appearing before the King and Council, protests that nothing done at this time, for "his Hienes satisfactioun concerning ony point of the libertie and privileg of his office of constableschip," shall prejudge him or his successors in the said office; and the protest is admitted.

Holyrood-house, 12th November.
Proclamation against certain Jesuits lately arrived from abroad, especially Mr. John Hamilton and Mr. Edmund Hay.

Notwithstanding the many Acts and proclamations against the reset and countenance "sa manifestlie and frequentlie schawin to Jesuittis and seminarie preistis, awowed ennemeis to all Christiane gcvernament," yet there are lately arrived from abroad some Jesuits, "of intentioun to seduce and intyse the simple and ignorant people to declyne fra God and his trew religioun, and to schaik of thair dew obedience fra the lauchfull magistrat,—as namlie Maister Johne Hammiltoun, quha having maid schamefull apostacie and defectioun fra the trew religioun quhairin he wes trained up, and quhilk at the begynning he sinceirlie professit, he hes thairwithall bein ane practizer, counsellour, and ane personall executour of heich and disperat treasonis aganis the lauchfull authoritie of princes in all pairtis quhair he hes remanit and maid residence; as alsua, Maister [Edmond] Hay, Jesuit, quha is knawin to have bein ane Jesuit of his professioun and ordour thir mony yeiris bygane:—quhilkis personis, following the unhappie cours of thair ordour and professioun, efter that thay have busied and occupyit themselffis in dyvers cuntreis, practising, conspyring and devysing the disturbin and schaikin lows of the publict estaitis thairof, thay have now at last come hame to this cuntrie, resolved and disposed to follow furth the lyke treasonable purposis and coursis heir without remeid be provydit." Accordingly, there is an order to charge all the lieges, by open proclamation in the head burghs, not to reset or intercommune with the said persons, under pain of treason, with certification that the reset of them shall be accounted as heinous an offence as that of Francis, sometime Earl Bothuill, or that of the late Earl of Gowrie, or of any other declared traitor and rebel.[1] Page 418.

[1] The Mr. John Hamilton of this proclamation was the uncle of the King's advocate, the ex-Octavian, Mr. Thomas Hamilton of Drumcairn; and Mr. Edmund Hay was

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Sederunt—Cancellarius; Fyvie; Newbottle; Thesaurarius; Secretarius; Blantyre; Murdocairny; Kinlos; Halyruidhous; Clericus Justiciarie; Advocatus; Collector; Computorum Rotulator; Tracquair; Spott; Clericus Registri; Custos Secreti Sigilli; Elimosinarius. Edinburgh, 18th November.[1]

By an Act of Convention of Estates held at Falkland in July 1599 all instruments of seisin (outwith burgh), reversions, bands for giving reversions, assignations to reversions, intimations, and discharges of the same, were ordered to be inserted in the particular register appointed in each Act anent the registration of sasines.

brother of Hay of Megginch. Spotswood has the following paragraph on the subject (p. 463):—"Much about this time had Pope Clement the Eighth sent his *Breves* (as they call them) into England, warning all the clergy and laity that professed the Roman Catholic faith not to admit, after the Queen's death, any man, how near soever in blood, to be King, unless he should binde himself by oath to promove the Catholick Roman Religion at his power. And at the same time came Mr. John Hamilton and Mr. Edmond Hay, Jesuits, into Scotland, two factious and working spirits. . . . How soon the King understood of their repairing into the country, a proclamation was given out inhibiting their resort under the pain of treason. . . . This notwithstanding, they found lurking holes amongst the Papists in the north, and kept the country."

[1] Three days before this date, viz., on Saturday 15th November, the Parliament, which had met in Edinburgh on the 1st, and begun business on the 11th, concluded its sittings. It was to be the last Scottish Parliament before James's removal to England. For the proceedings see the printed Acts of Parl., iv. pp. 191–256. The great business was, of course, the Gowrie Conspiracy. The dead bodies of the two brothers having been produced in the Parliament, in accordance with the horrible old rule of law in such cases, and there having been due and formal trial, with depositions of witnesses, &c., there was the *Dome of Parliament aganis the saidis umquhile Johnne, Erle of Gowrie, and umquhile Maister Alexander Ruthven*, decerning their estates to be forfaulted, and their family name and family honours extinct, and ordering their corpses to be hanged and quartered at the market cross of Edinburgh, and the fragments to be put up on spikes in Edinburgh, Perth, Dundee, and Stirling. There were independent Acts appertaining to the same great affair,—*e.g.*, *Act anent the dishereising and inhabilitie of the brether and posteritie of the Erle of Gowrie* (incapacitating and dishonouring the surviving brothers and rest of kin), *Act aboleissing the surname of Ruthven* (commanding all who bore the unfortunate name to change it for some other, and decreeing that the Barony of Ruthven should thenceforth be known as the Barony of Huntingtower),—with an Act appointing the 5th of August to be a day of solemn thanksgiving every year in Scotland for ever, and an Act annexing the forfeited Gowrie lands to the Crown. There were minor Acts, in connexion with the affair, providing rewards for Sir John Ramsay, the young courtier who had first come to the King's rescue by the turret stair-case in Gowrie House and had slain Alexander Ruthven, and for Sir Thomas Erskine, Sir Hugh Herries (the King's physician) and others, who had assisted in completing the rescue by falling upon the Earl.—Among the miscellaneous Acts of the Parliament were one *Anent the Posteritie of Francis, sumtyme Erle Bothuell* (enacting that, as the Gowrie Conspiracy seemed to prove that treason was hereditary in some families, the posterity of Bothwell, and also the posterity of Douglas of Spott, should be perpetually disabled from holding rank or property in Scotland), an Act *anent beraris and schuteris with hagbuttis and pistollettis*, an Act *anent singular combattis*, an Act *anent hornyngis*, a *Ratificatioun of the Actis maid of befoir in favouris of the Kirk*, a *Ratificatioun of the Act anent Jesuittis, priestis, &c.*, a *Ratificatioun of the Act anent strang and idill beggeris*, an Act *anent the mariage of adulterous personis*, an Act *anent removeing and extinguischeing of deadlie feadis*, an Act *anent provisioun for armoure* (confirming regulations of previous Acts as to the armour required by different ranks of persons), a *Ratificatioun of the Infeftment of Lewis*, and a *Ratificatioun of the Bischop of Glasgowis* [*i.e.*, Archbishop James Beaton's] *Restitutioun* (see *ante*, p. 165, footnote).—There was no Act of this Parliament affecting the personal composition of the Government or Privy Council. One peculiarity of the Parliament which displeased the zealous Presbyterians was that the three recently nomi-

shire for the purpose, within 40 days of the making thereof, under pain of nullity (Acts of Parl., iv. p. 184); which act has been ratified in Parliament (1600 c. 36 iv. p. 237). And now, "his Majestie having ane regaird to his Hienes subjectis quha, rather upoun ignorance nor villfull contempt, hes keipit up thair saidis evidentis unregistrat, and his Majestie nawys willing that the said Act sall tak effect or execution aganis them for thair bypast ouersicht and conceilling of thair saidis evidentis," it is declared that it shall be lawful to all parties, notwithstanding the expiry of the 40 days, to present their evidents to the keepers of the registers by 15th February next; with certification to all possessors of such writs as are appointed by the said Act to be registered that, if they fail to present them for registration by the said day, or in time coming within 40 days after the making and perfecting of the same, then the said evidents shall be declared null, conform to the said Acts of Convention and Parliament. Publication to be made hereof.

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MacLellan of Auchlen against the Treasurer and William Johnstone in a matter of caution.

Action at the instance of Williame Macclelane of Auchlen, tutor of Bombie, against Alexander, Master of Elphingstoun, treasurer, and Williame Johnestoun, called Willie of Wamfray, as follows:—Alleging that they have obtained a decree finding that an act of caution, whereby he became surety for Gilbert Johnstoun of Wamfra that the said Gilbert and his men should be answerable to justice, conform to the general band, under the pain of £1000, had been violated by his non-entry of the said Gilbert "upone ane horning used aganis him for a civile caus" at the instance of the said Williame, his brother, they have obtained letters charging the complainer to pay to them the said sum, within a certain time, under pain of rebellion. Now, the complainer had not been summoned to the giving of the said decree, as he should have been; and, if he had been summoned, he would have appeared, and had many good reasons which would have stayed the giving of the said decree. Thus, the general band "is onlie extendit aganis oppin and manifest reiffis, heirschippis, stouthis, slauchteris, and capitall crymis, commonlie committit in the Hielandis and Bordouris, as the entrie of the personis offendouris is appointit to be befoir the Kingis Majesteis justice and his deputtis in criminall caussis allanerlie," while the horning used against the said Gilbert is for a "civile caus and ane mater of debt quhairin he standis obleist to his said brother, and na utherwyse." At the same time the complainer has found caution for payment of the said sum if law shall

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nated clerical Bishops,—Mr. David Lindsay, Bishop of Ross, Mr. George Gledstanes, Bishop of Caithness, and Mr. Peter Blackburn, Bishop of Aberdeen,—were present and voted. These new clerical Bishops, nominated in the ecclesiastical Convention at Holyroodhouse on Oct. 14 (*ante*, p. 164, footnote), had received their formal presentations to their sees on the 5th of November, and therefore in time to take their places in the public procession of riding to Parliament on the 11th, as prescribed by the order of Council of the 4th (*ante*, p. 170). They had not, however, taken part in that ceremony, but had been content with appearing in the House. Their titular brethren, the Bishops of Dunkeld (Mr. Peter Rollock) and Brechin (Mr. Alexander Campbell) were among the Lords of the Articles for the Parliament. Calderwood (vi. 100) mentions Mr. Alexander Douglas as having been present somehow in the Parliament as a fourth clerical Bishop (*ante*, p. 165, footnote).

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require it. In respect whereof the said letters should be suspended. —Both parties appearing personally, the Lords do suspend the letters.

To denounce Menzies of that Ilk and certain of his men, the former for not entering the latter, and the latter for not appearing to a charge of reif.

Complaint by Mr. Williame Schaw of Pitmurthie against certain tenants and servants of Alexander Menzeis of that Ilk, as follows:— Upon 15th August last Donald Menzeis, with his accomplices, stole from the complainer, furth of the lands of Petmurthie, four kye and an ox; and in 1598 Duncane M°Gillichallum V°Cem, stole eight sheep, Nick Stevin (V°Stevin), four sheep, Allaster Gair, eight sheep, Ewin M°Gillavir, sixteen sheep, and Allaster M°Lunla M°Robertin (M°Kindlay V°Robert), three kye with calf. The complainer can get no redress from the said persons, who are "brokin and unanswerable men," unless their landlord will enter them.—The pursuer appearing by his son and procurator, but the said Menzies not appearing, nor having entered the other defenders as charged, the order is to denounce him and them rebels.

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Holyrood-house, 20th November.[1]

Sederunt—Cancellarius; Fyvie; Thesaurarius; Newbottle; Secretarius; Kinlos; Halyruidhous; Murdocairny; Collector; Advocatus; Tracquair; Computorum Rotulator; Clericus Registri; Spott; Elimosinarius.

Abandonment of action against Ross of Balnagown for the entry of persons alleged to be his men.

Alexander, Master of Elphingstoun, treasurer, and Rowane, burgess of Edinburgh, appearing before the Lords of Secret Council, the latter passes from the action raised at the instance of the said treasurer against George Ros of Balnagowne, and Johne Lowry and Thomas Ros, burgesses of Edinburgh, cautioners for the said George, touching the entry before the King and Council of Williame Ros of Easter Gany, Thomas Ros in Skyell, Alexander Waus in Rarecheis, Williame Ros, burgess of Tayne, Alexander Hay there, Williame Corbet there, Johnne Reid Andersoun there, Donald Tailyeour there, Ewir Wricht there, Williame M°Culloche there, Kenneth M°Kenneth, *alias* M°Clewis, in Meikle Tarril, and Thomas M°Williame M°Thomas in Caitboill, alleged to be tenants and servants of the Laird of Balnagowne, to answer for their lying at the process of horn used against them at the instance of Abrahame Dewar, burgess of Birhame, and touching restitution to Abrahame of the goods reft by them from him; whereupon the Laird of Balnagowne, being present, asks instruments.

James Stevenson against the bailies of Perth for liberating a debtor of his without payment of the debt.

Complaint by James Stevinsoun, chirurgeon, burgess of Edinburgh, as follows:—He had "imployit" Williame Smythe, tailor, burgess of Edinburgh, to be cautioner for Crystie Luverance, burgess of Perth, that the said Crystie should pay to Robert Hewat, servitor of Richerd Dobie, mer-

[1] On the previous day, November 19, 1600, the Queen gave birth, at Dunfermline, to the King's second son and fourth child, Charles, afterwards Charles I. It was, as Calderwood notes, the day on which the carcasses of the two Gowrie brothers were dismembered in Edinburgh for the exposure of the fragments in that and other towns. Hardly noticed by any historian is the fact that the King's second daughter, Margaret, had died, in mere infancy, three months before this new birth in the royal family. "The Queen's youngest daughter dead" is the casual mention of the fact in a letter from the English resident in Edinburgh to Sir Robert Cecil, dated August 21, 1600.

chant, £50, conform to the letters of suspension raised by the said Cristopher thereanent; and, as at the calling of the said suspension the decree had been against him, the said Williame, his cautioner, was compelled to pay the said sum. The said Williame, for his relief, had then obtained decree against the complainer and "straited him with the pament thairof ouer agane to him." Whereupon complainer had raised an action against Cristopher and obtained decree for £68 against him; for non-payment of which the said Cristopher had been put to the horn. Then there were executed letters of caption against the bailies of Perth for the apprehension and warding of the said Cristopher. The bailies had accordingly committed him to ward in their tolbooth; but, instead of keeping him there till the complainer had been paid, they had released him, "sua that throw thair default the said complener is frustrat and disapointit of payment." Therefore the said bailies "aucht and suld be debtouris to him."—The pursuer appearing personally, but Olipher Young and Androw Raa, bailies of Perth, failing to appear, the Lords ordain them to pay the complainer the said sum of £68. Acta 1598 1601. Page 423.

Holyrood-house, 25th November.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Huntlie; Mar; Fyvie; Thesaurarius; Secretarius; Murdocairny; Kinlos; Halyruidhous; Advocatus; Clericus Justiciarie; Collector; Computorum Rotulator; Custos Secreti Sigilli; Tracquair; Spott; Elimosinarius.

The Earls of Argyle and Atholl charged to enter certain of their men accused of reif.

Action by Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, against Archibald, Earl of Ergyle, touching the entry by him of Duncane and Johne Stewarts, sons of Donald M°innord, his men, and also against Johne, Earl of Athoill, for the entry of Alexander and Johne Stewarts, sons of Dougall Stewart in Athoill, and James Stewart, son of Johne Stewart in Boaspie, his men, to answer for the "heirschip and reif" committed by them upon the King's tenants of the lands of Strabrane on 27th August last.—The pursuers appearing personally, Sir James Stewart of , as procurator for the Earl of Athoill, declares that the said Alexander and Johne were not the said Earl's tenants or servants, but dwelt in Lorne, under Duncane Stewart of Appin, who is feuar and vassal of the Earl of Ergyle, and that the said James is a fugitive, having no residence in any place belonging to the said Earl; and Mr. Johnne Archibald, appearing as procurator for the Earl of Ergyle, denies the said Duncane and Johne to be the said Earl's men or persons for whom he is answerable by the laws or general band. The King and Council assign 1st January next to the Earl of Ergyle for the entry of Duncane Steuart of Appin, called Duncane of Lorne, his man, and to the Earl of Athoill for the entry of Johne, George, and Allaster Stewarts, brothers to the said James Stewart, or any two of the said brothers, and for the entry of Allaster M°Onies Stewart of Boaspik, the chief of the house of Boaspik, his men. Page 424. Page 425.

1598- Complaint by Ludovick, Duke of Lennox and Lorne, &c., great admiral of the realm, against Dame Annas Douglas, Countess of Ergyll, and the Earl her husband, as follows:—They and their deputies having usurped the office of admiralty within the lochs and seas of the west parts by holding courts and otherwise, the Duke had obtained letters against them, charging them to desist and discharging the lieges from obeying them. By "prevey moyane," however, they have obtained other letters suspending the said letters; and these letters of suspension the Duke now challenges on these grounds:—"It is notour to his Majestie and his Prevey Counsell that his Hienes said cusing is onlie admirall under his Majestie within this realme, and be the office and priveleg thairof hes jurisdictioun ouer the haill seyis within the samyne and belanging thairto; lyk as his Hienes said cusing is heretablie infeft in the said office without exceptioun of ony pairt or portioun of the seyis of this realme, and with privileg thairin, be himselff, his bailleis and deputtis in his name, to exerceis and use justice upoun all and sindrie his Majesteis lieges transgressing his Hienes lawis upone the saidis seyis, be halding of courtis upoun thame as effeiris at sic placeis and als oft as his Hienes said cusing and his saidis deputtis sall think expedient; be wertew quhairof his Hienes said cusing, his bailleis and deputtis, hes bein in peceable possessioun of the privileg and casualiteis and dewteis pertening to his said office, intrometting and uplifting thairof and halding of courtis upoun all and sindrie his Majesteis lieges fischeing and repairing upoun the seyis within this realme, and decyding of all maner of debaittis and
426. actionis betuix them according to equitie, but exceptioun, continuallie sen the dait of his Majesteis said cusingis infeftment of admiralatie, without ony impediment or molestatioun maid to them thairin in ony tyme bigane, —quhill that now baith the said Dame Annas Douglas and hir said spous, alleging that they have obtenit the rycht of the dewtie of the assyse herring, and thairby hes onlie rycht to hald courtis upoun the west seyis of this realme, and sua hes purchest the saidis utheris pretendit letteris in maner foirsaid, as gif they had obtenit the rycht of the admiralatie of the saidis seyis, and als gif the personis fischeing and repairing thairupone were not subject to the courtis of the said admiralatie,—quhilk is nawys grantit be his Hienes to them, nor of na law can be, in sa far as the said Erle and his said spous hes onlie rycht to the uplifting of the assyse herring and dewitie thairof, and na forder. And trew it is that, concerning administratioun of justice upoun the personis fischearis and repairaris upoun the saidis seyis, the samyne is onlie competent to his Majesteis said cusing, his bailleis and deputtis, and to na utheris personis. Lyke as the saidis utheris pretendit letteris, grantit in favouris of the said Erle of Ergyll and his said spous, ar not onlie grantit to his Hienes said cusingis grit hurt and prejudice, bot also to the stay of justice and hinderance of the commone weill of this cuntrie, it being maist necesser that ordour suld be takin with the malefactouris, fischeris and repairaris, upoun the west seyis of of this realme; lyk as it is of veritie that thair ar dyvers of them quha

Decree in favour of the Duke of Lennox, discharging all rights of jurisdiction of the west seas claimed by the Countess of Argyle and her spouse.

daylie committis wrang and transgressis his Majesteis lawis, especiallie having of wrang equippage contrair to the auld actis of the court of admiralitie, steilling of thair nichtbouris geir, schedding of utheris bluidis, schuitting of thair nettis upoun the Sabboth dayis contrair to the lawis of God and his Hienes actis, and sindrie uther crymes worthie of punischment, quhairintill the said fischearis and boitmen daylie fallis. The repairing of the quhilk enormities nawyse appertenis to the jurisdictioun of the said Erle of Ergyll, nether as justice generall of this realme nor yit be wertew of the rycht and title of the assyse dewtie, bot onlie to his Majesties said cusing, as his Hienes admirall foirsaid, and his deputtis." —Charge had been given to the said Dame Annas Douglas to appear on a certain day bypast, bringing with her for consideration "all hir rychtis and titlis quhairby scho allegis hir to have ony jurisdictioun of the west seyis"; and now, the Duke appearing personally, but "the said Dame Annas Douglas being oftymes callit and not compeirand," the King and Council "suspendis and dischairgis all the rychtis and titlis quhairby the said Dame Annas or hir spous allegis them to have ony jurisdictioun of the west seyis, togidder with the letteris foirsaidis and haill effect thairof, and dischairgis all officeris of putting of the saidis letteris to forder executioun aganis the said persewar, ay and quhill the samyne rychtis, titles, and letteris be produceit befoir his Majestie and the saidis Lordis, and that the said persewar be wairnit to the productioun thairof as effeiris." Acta 15 1601. Page 4

To denounce the Captain of Carrick and others for not answering to charges of violence and slaughter.

Complaint by Aulay M°Calay of Ardincaple, as follows:—Upon 24th September last Archibald M°Glaschen, and Donald M°Glaschen, his brother, and M°Lucas and Donald M°Ciluie, servants of Duncane Campbell, Captain of Carrik, by the said captain's special direction, came at night by way of hamesucken to the complainer's house,—"thinking to have fund him at the sey coist thairabout and to have slaine him." As they could not apprehend him, they assaulted Androw Quhithill in Easter Ardincaple and Malcolme Galbraith, his servants, hurting the former in the head and the latter in the leg, "and with mony bauch straikis hes sua birsit him as he is not able to convalesce." They then bound them "heid and feit" and "careit them as prisoneris with them quhair they plesit,—usurpand thairby upoun thame his Majesteis princelie power and authoritie in taking and detening of frie personis without power or commissioun." Farther, the said Captain, having before "conspyrit and devysit the said compleneris death and distructioun," had, after being disappointed in "sindrie of his practizeis and purpossis," at last discovered his intention in this matter to Neill Campbel in Drumsinen, Johnne M°Lauchlane, Gilbert M°Neill, Glasch, servitors of the said Neill, Patrik Boill, Johnne M°ilchallum Gar M°Donill Vaur, Archibald M°Glaschen and Donald M°Glaschen, servitors to the said Captain; who, having been informed that the complainer was lodged in Johne Greinhill's house in Nether Grenok, came at night to the said house, "and thairin at ane window they schot the said complener throw the body with ane lang gun, and with that same schot slew umquhile Patrik Dennestoun, his Page 4

a 1598–1. servant, and schot Archibauld Connell, the said compleneris servand, throw the body."—The pursuer appearing personally, the defenders, for not appearing, are all to be denounced rebels.

Action at the instance of John Simson against Scott of Buccleuch as landlord of certain men.

Complaint by Johne Simsoun in Gilmertoun, and Alexander, Master of Elphingstoun, for his Majesty's interest, as follows:—Sir Walter Scot of Branxholme, as principal, and Sir James Scot of Balweirie, as surety for him, had become bound in 10,000 merks that Sir Walter should be answerable for his men and present them to justice when required. Now, Johne Scot of Deir of the Scoir, Dandie Armestrang *alias* Braid Sword, and Johne Armestrang *alias* Sandie's Johnnie, the said Sir Walter's men, stole from Simsoun three horses and three webs of cloth, for which he

ge 429. can get no redress unless the said principal and his cautioner enter the malefactors before the King and Council.—The pursuers appearing personally, and Scot of Balwerie by his procurator, Robert Scot of Haneing, who denies the said Johne Scot and Johne Armestrang to be Sir Walter's men, but admits the said Dandie to be his man, and promises to make restitution of the said goods in case Geddes of Kirkurd and Geddes, his brother, who, it is alleged, saw the said Dandie drive and carry away the said gear, will swear him to be "foull of the saidis guidis and geir," the King and Council ordain the said Geddes and his brother to be summoned to appear before them to bear witness in the said matter, under pain of rebellion.

Decree against Sir John Scott of Balweary, as cautioner for Buccleuch, for extensive reif, mutilation and slaughter committed by the principal's men.

Action at the instance of Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, and of Sir James Sandelandis of Slammannanemure for his own interest, as follows:—Upon 21st July 1596 Sir Walter Scot

e 430. of Branxholme, as principal, and Sir James Scot of Balweirie, as cautioner, became bound in £10,000 that Sir Walter should answer for his men and present them to justice, conform to the general band. Now, upon 15th June 1598, Lancie Armestrang of Quhythauch, Sym Armestrang of Mangertoun, Armestrang, younger of Mangertoun, Sym and Archie Armestrangis, sons of young Quhithauch, Archibald Ellot of Mirrieneis, Adie Scot, called the Peck, Jok Scot, called the Stowre of Quhynecleuch, Will Ellot of Fallinesche, Dandie Ellot, called 'Sweit Milk,' all Sir Walter's men,—"quhilkis hes gevin thair bandis to him, comes under his standart and baner,"—came to the lands of Corsmodburne belonging to Sandelandis, and stole from him and his tenants ten kye and oxen. Upon 25th June 1598, they reft from him and them twenty four oxen,—in token whereof the said Archibald, at command of Sir Walter, redelivered seven of the said oxen to Mertein Ker and Williame Welslie, the said Sir James's servants; upon "Monoday" 1600, they stole a horse and a mare worth £50 each; again, they stole eight horses, whereof one was worth 1000 merks, another 500 merks, and the rest £40 each, with 400 merks of money; farther, upon 9th August last, they stole furth of the lands of the Cairnis four score oxen, together with horses, to the value of 6000 merks, and slew the following persons , and dis-

membered divers other good subjects "quha rais to the fray for reskewing of the saidis guidis." The said persons being "disobedient and unansuerable thewis and lymmaris," no redress can be got from them unless their said master and his cautioner enter them before the King and Council.— The pursuer appearing personally, and Scot of Balweirie appearing by Robert Scot of Haneing, his procurator, who admits the said Sym and Archie Armestrangis, and Armestrang, younger of Mangertoun, to be Sir Walter's men, but denies the rest above written to be his men, and farther denies that Sir Walter's said men had been present at any of the herships foresaid except that committed upon 9th August last,—the King and Council ordain the foresaid cautioner to enter the said Sym and Archie and Mangertoun before them upon 15th March next to answer touching the "particuler attemptis abonewritten," and, failing thereof, decern him to make redress to Sandelandis of the goods underwritten of the prices following reft from him in manner foresaid, viz., five oxen worth £100, five kye worth £50, five oxen worth 100 merks, a horse and a mare worth 100 merks, "ane grite broun horse" worth 500 merks, a young gray "stainit" horse worth 1000 merks, a gray hackney worth 200 merks, "ane lyart haknay" worth 100 merks, a black nag worth £30, and a brown horse worth 100 merks,—the complainer having by his "grit aith" declared that the goods above written were of the value foresaid.

Acta 15 1601.

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Holyrood-house, 27th November. Abduction of the daughter of George Carkettle, burgess of Edinburgh: Proclamation on the subject.

The King is informed of "ane heich contempt and indignitie done laitlie to his Majestie aganis the lawis of God and man be a nowmer of undewtifull and disloyall subjectis, quha, haveing cast of all feir of God, reverence of the law, and that deutifull regaird quhilk they aucht to his Majestie, hes laitlie, under clud and silence of nicht, ravischit and tane away Carkettle, dochter of George Carkettle, burgess of Edinburgh, furth of his awin house of , quhair scho wes for the tyme with hir mother in peceable and quyet maner; quhilk attempt being ane cryme of heich treasoun, meriting maist seveir and rigourous punischment be the lawis of this realme, sua his Majestie is resolved in justice to punische not onlie the personis giltie of the said treasonable attempt, bot alsua thair ressetteris, huirderis, and intertenyaris, to the terrour of utheris to committ the lyke heirefter." There is order therefore to charge all and sundry the lieges by open proclamation not to reset the said malefactors, but to set at liberty the said daughter if they can, under pain of treason, with certification that, if they fail, the process of forfaltour shall be led against them in the Parliament appointed to be held in March next, conform to the law.

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Holyrood-house, 28th November. Suspension of horning against Heriot of

Action by James Hereot of Trabroun, as follows:—He is charged by Sir Michaell Balfour of Burley to buy from him three complete stands of horsemen's armour, within a certain time, under pain of rebellion. Now, in the Act of Estates made anent the provision of armour, it is ordained that every baron and gentleman shall be bound only to buy one stand for every

a 1598. l. fifteen chalder of victual of his yearly rent, or, if his rent consist in silver, for every 1000 merks of his rent (Acts of Parl., 1598, 1599, iv. pp. 168, 190); and true it is that the complainer's whole rent and living, in silver and victual, will not exceed twenty-four chalders of victual. Therefore, he can be burdened only for one stand of arms and a half. He is already supplied with corslet, pike, jack, and all other kind of armour "quhilk hes bein accustumat within the cuntrie," and should not be compelled to buy any more. Farther, the complainer's living has not yet been valued, and it would be unreasonable that the said Sir Michaell estimated every man's living as he chose. Also, the complainer is past the age of three score years, and therefore exempted from all military service, and consequently from the buying of armour to that effect. Still, he has found caution to buy the said armour in case he shall be decerned so to do; and therefore e 434. the said charge against him should be suspended.—The complainer appearing by Andrew Kneland, his procurator, and Sir Michaell appearing personally, the Lords ordain the complainer to buy only a complete stand of horsemen's armour, or else two stand of footmen's armour, as he shall best like, in respect that he is already provided with a corslet.

Trabroun anent the purchase of his due outfit of arms.

Similar complaint by James Tennent of Cairnis against the same Sir Michaell for charging him, under pain of horning, to buy from him a stand of horsemen's arms at the prices following, viz., the "pruife of the lance and sword" for £50 and the "pruife of the hacquebute" for £60. In the said Act of Estates none but earls, lords, barons, and gentlemen worth yearly fifteen chalders of victual or 1000 merks of silver are "subject to by sic compleit standis of armour," whereas "meane gentilmen valiant in victuall or silver three hundreth merkis of yeirlie rent" are required to be furnished only with a light corslet or pike, or else with "ane muscat with forcat, bendroll and heid peice." The complainer is "bot ane verie meane man," liferenter of a roum called Hairhoip (whereof his son is fiar), which pays only 300 merks, and he has nothing else to 435. sustain himself "now in his ageit and latter dayis." Moreover, he is already provided with better arms than he is required to have by the said Act, viz., with jack, knapscaw, spear, plait sleeves, hagbut, and gauntlet, and, being past the age of 60 years, is exempted from military service. Further, he "is subject to dyvers diseassis and infirmiteis, and is not able to mak service in weiris on horse nor fute." He has, however, found caution to do what may be required; and therefore the said charge should be suspended.—Both parties appearing personally, the Lords ordain the said charge to be executed against the complainer for buying a stand of footman's arms only.

Suspension of horning against Tenant of Cairns anent buying his due outfit of arms.

Complaint to the same effect by Thomas Hering of Kirktoun of Bathcat against the same Sir Michaell:—He is charged by Sir Michael to buy from him a stand of horseman's armour at £50, under pain of rebellion. 436. Now, he is "onlie ane meane gentilman," feuar of the Kirklands of Bathcat to Mark, Lord of Neubottle; which lands are not worth in yearly rent 200 merks; and so, having no other living, he is not subject by the foresaid

Decree that Heron of Kirkton shall buy a certain outfit of arms from Sir Michael Balfour.

Act of Estates to buy any armour from the defender. Yet, for eschewing the danger of horning, he has found caution to buy the same in case it shall be found that he ought.—The complainer appearing by Androw Kneland, and Balfour appearing personally, the Lords ordain the said letters to be executed against Hering "for bying of ane muscat with forcat, bendroll, and heid peice, allanerlie." Acta 15 1601.

Holyrood-house, 2nd December.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Kinlos; Murdocairny; Clericus Justiciarie; Privy Seal; Advocatus; Comptroller; Collector; Clericus Registri; Spott. Sederun Fol. 23,

[No record of proceedings.]

Edinburgh, 4th December.

Sederunt—Cancellarius; Huntley; Fyvie; Neubottle; Thesaurarius; Secretarius; Murdocairny; Kinlos; Clericus Justiciarie; Halyruidhous; Privy Seal; Collector; Advocatus; Computorum Rotulator; Clericus Registri; Spott.

Sir Robert Melville, younger, admitted of the Privy Council.

Sir Robert Melvill of Murdocairny appears before the Lords of Secret Council and demits his place as one of the ordinary number of the Privy Council in favour of Sir Robert Melvill, his son; who, accordingly, by his Majesty's direction, is received as one of the ordinary Councillors, and makes faith *in communi forma.*

Edinburgh, 9th December.

Sederunt—Cancellarius; Fyvie; Newbottle; Thesaurarius; Secretarius; Kinlos; Clericus Justiciarie; Advocatus; Custos Secreti Sigilli; Collector; Clericus Registri; Sir Robert Melvill, younger. Acta, p.

Elizabeth Seton against the bailies of Burntisland, for not detaining in strait ward a debtor of hers.

Complaint by Elizabeth Seytoun, relict of Mr. Robert Irving, advocate, as follows:—Upon 21st December 1597, Mr. Johne Provand, burgess of Edinburgh, had been put to the horn by letters raised by her for not paying her the sum of 1000 merks, together with £100 of modified expenses. As he had remained, as he does yet, unrelaxed, she had obtained from the Lords of Council and Session letters of caption against him; which having been executed upon 27th November last against the bailies of Brunteland, they had committed him to ward in their tolbooth. Yet, although the nature of all letters of caption "importis a restreant and detentioun of the rebell in waird" till he obtain himself relaxed, and although the said letters of caption obtained by the complainer "wer speciall in that point," the said Mr. Johne "is at full libertie, lyis nychtlie in his awin house, hantis and resortis publicklie and awowedlie in the toun at his plesour."—The pursuer appearing personally, and Patrik Greif and Johne Clepane, bailies, being present for the defenders, conform to the charge given to them, the Lords assoilzie simpliciter the said Patrik from the action, because he denies that he was bailie of Brunteland this present Page 438

1598- year, and continue the action foresaid for the part of Clepane till 16th instant.

e 439. Complaint by Williame Greirsone of Lag that, upon 16th November 1598, Williame Cubiesoun in Glenmuk, George Grege in Calyeroch, and Johne Greg in Loakfurd, came to his lands in Over Loakfurd and demolished his onset and houses thereof, with intention to lay the said lands waste.—The complainer appearing personally, the defenders, for not appearing, are to be denounced rebels. To denounce William Cubieson and others for not answering to a charge of violence.

Complaint by Ludovick, Duke of Lennox, and Aula M°Caula of Ardincapill, as follows:—In November last, Johne M°Nauchtane of Dundievaw, Duncane M°Nauchtane, his brother, Allaster M°Nauchtane, also his brother, Patrik M°Gregour, Gilchryst M°Intyr, Ewin Campbell, brother of the Laird of Straquhair, Allane M°Celler, M°Keller, his brother, in Glenschera, Gilbert M°Intyre there, Johne M°Vicar of Kilmaherne, Duncane M°Clerich of Bralachan, Johne M°Criotor *alias* Campbell in Archattane, M°Neiller, servant of Archibald Bane in Craigbrak, Williame Bell, Patrik M°Cairas, Ewne Dow Campbell of Corrie, Donald M°Dranach, Donald M°Glaschen, Archibald M°Gleschen, his brother, Donald M°Allaster *alias* Craufurd, and Patrik Bow, all men of Duncane Campbell, captain of Carrik, by the said Captain's causing; Neill Campbell of Drumsynnie *alias* Traitor, Gilbert M°Neill and Duncane M°Neill in Loch, , Johne M°Cilvie, Johne Bane M°Cilvy, Gilbert M°Cilvie, Johne M°Gressie, Johne M°Cilchaik M°Bair, Glas M°Neill, and Johne M°Lauchlane, all servitors to the said Neill Campbell of Drumsynnie; Johne Campbell, brother of the Laird of Glenlyoun, Johne M°Clane, brother of M°Clane of Lochtoun, Archibald M°Coneil M°Inabrich, Ronald, Angus, Allane and Johne M°Inabrichis, sons of Johne M°Inabrich in Glencoane, Donald, Allaster and Archibald M°Indow M°Inabrichis *alias* M°Coneill, Ronald, Angus, Allane, and Johne Dow M°Inabrich in Lochquaber,—with convocation of the lieges, to the number of 100 persons, all broken highland men, armed with hagbuts, pistolets, bows, darlochs, and habershons,—came at night to the woods of Ardincaple, where they "plantit themselffis and remanit dernit and quyet quhill the morning, awaiting quhill the said Aula sould have cummit furth of his hous, that then they mycht have persewit him of his lyfe. And, in the meantyme of thair remaining within the wode, they persaving Johne M°Intaillour, Alexander M°Caula, Patrik M°Caula, messinger, and Patrik M°Caula, servitour to the said Duke of Lennox, comeand agaitward to the house of Ardincaple, and feiring that they suld have discoverit and disclosit thair practize and conspiracie, they tuik the saidis personis and verie hardlie intertenyit them, and keipit and detenit them as prisoneris quhill, be the cuntrie people that raise at the heiring of the effray, they wer releiffit; and at last, persaveing Patrik Campbell, servitour to the Erle of Ergyll, ryding upoun ane horse, and suspecting that he had bene the said Laird of Ardincaple, they all ruscheit out of the wod and with hacquebuttis and bowis maist feirslie persewit him of his lyfe, and had not faillit to To denounce John Mac-Naughton and others for not answering to a charge of acts of oppression, including reif, houghing of cattle, and purpose of murder.

e 440.

have slaine him, wer not he discoverit himself to them; and, efter they had remanit ane lang space upoun the Laird of Ardincaples boundis, feiring to have bene persewit be the cuntrie people, they depairtit, and in thair depairting spuilyeit the houssis of Johne Dow M^c^Aula in Garlocheid and Patrik M^c^Caula in Aldonit." Not content therewith, the said persons, "upoun the day of the said moneth of November," came to the said Duke of Lennox's lands of Strone and Achingaith, and reft from his tenants thereof thirty two horses and mares and twenty four kye, and barbarously houghed eight kye.—The pursuers appearing by Johne Bell, their procurator, the defenders, for not appearing, are to be denounced rebels. Acta 1598-1601. Page 441

Edinburgh, 11th December

Sederunt—Cancellarius; Fyvie; Newbottle; Dunkeld; Kinlos; Halyruidhous; Privy Seal; Justice Clerk; Sir Robert Melvill, younger.

To denounce Oliver Ogilvy and others for not answering to a charge of violence and reif.

Complaint by Kenneth M^c^Kenzie of Kintaill, as follows:—Upon 24th October 1598, while Duncane M^c^Gillichallum in Kintaill, his man, was bringing 24 kye to the fair of Glamis for sale, Olipher Ogilvy, Duncane M^c^Quhirriman, Angus M^c^Quhirriman, his brother, and Andro Bowar, messenger, violently reft from him the said cattle; upon 1st November 1599 the said persons reft from Duncane M^c^Gilchryst in Kintaill, the complainer's tenant, at the fair of Elycht, 26 kye and 400 merks of silver, and from Murdo M^c^Ceane V^c^Courquhy in Kintaill, also his tenant, 26 kye at the same market; and, finally, upon 30th October last, the complainer having sent Johne and Dowgall M^c^Vanis in Lochelsche, his servants, to the fair of Elycht, with seven score and fourteen kye and oxen, to be sold "for outred of certane the said complenaris adois in thir pairtis," and his said servants "being at the fute of Drummuir with his saidis guidis," the said Angus and Duncane M^c^Quhirrimenis, Patrik Boll in Glenschie, and Alexander Gald M^c^Gregour reft from them the whole of the said cattle, and "hes sparpellit and disponit upoun the same at thair plesour." This violence and reif at free markets and fairs is not only hurtful to the complainer, but "discourages all peceable and guide subjectis to direct or send ony guidis to the mercattis and fairis of the incuntrie."—The complainer appearing by Kenyeauch M^c^Keinzie of Kilchrist, the defenders, for not appearing, are to be denounced rebels. Page 442

Holyrood-house, 16th December.

Sederunt—PRESENTE REGE—Cancellarius; Fyvie; Newbottle; Thesaurarius; Secretarius; Kinlos; Halyruidhous; Advocatus; Collector; Computorum Rotulator; Spott; Clericus Registri; Elimosinarius.

Suspension of horning against Sinclair of Whitekirk for alleged assault on his parish minister.

Action by Henry Sinclair of Quhytkirk, as follows:—Mr. Johne Forrest, minister at the kirk thereof, alleging that upon 10th February last, being Sunday, "he being teiching in the pulpit within the said kirk to his parochyneris," the complainer, armed with a whinger, sword, and pistolets,

ta 1598-01. "impugnit the said Maister Johne in his sermone and utterit maist injurious speiches aganis him in presence of the haill congregatioun, and that he drew ane sword to him and strak at him with his said quhinzear," had raised letters charging complainer to answer in the premisses; and, for

ge 443. complainer's alleged disobedience and non-appearance, other letters had been directed simpliciter to put him to the horn (*ante*, pp. 79, 108). Now, long before the raising of any letters against him, he had satisfied the presbytery of Dumbar and the said Mr. Johnne touching the premisses, as a testimonial subscribed by the said presbytery and Mr. Johne bears; whereby the King and Council may easily perceive that the said letters and charges have been "maist maliciouslie" used against him without the knowledge and consent of Forrest,—"consideratioun being had that the caussis and fact foirsaid allegit committit, done be the said complener to him befoir the useing of the saidis utheris letteris, wes tane up and agreit betuix them be the said presbiterie." As for the gift of the complainer's escheat, Johne, Commendator of Halyruidhous, being his superior, and thereby having "onlie entries to his escheit guidis," he has componed

ge 444. with his said superior, as his ticket dated 20th November last shows. At the same time complainer has found caution in 300 merks for his appearing upon 11th instant to answer to this complaint: wherefore the said letters should be suspended.—The pursuer appearing by Mr. Johne Diksoun, his procurator, but Forrest failing to appear, the Lords do suspend the said letters.

Charge for an assurance between Lord Ochiltree and the Sheriff of Ayr.

The assurances passed between Androw, Lord Stewart of Uchiltrie, and Hew Campbell of Lowdoun, sheriff of Air, being now expired, although the variance between them is not yet taken away, there is order to both parties to subscribe such form of assurances as shall be presented to them, within six hours after the charge, under pain of rebellion.

Holyrood-house, 18th December.

Sederunt—REGE PRESENTE—Cancellarius; Mar; Levingstoun; Newbottle; Thesaurarius; Secretarius; Kinlos; Halyruidhous; Collector; Computorum Rotulator; Spot; Clericus Registri; Privy Seal; Elimosinarius; Murdocairny; Clericus Justiciarie.

ge 445. Act against importing Jesuits and trafficking priests within the realm.

The King and Council, understanding that divers Jesuits, seminary priests, and excommunicated and trafficking papists are "transportit furth of utheris cuntreis and brocht within this realme, carying to and fra mony treasonable and dangerous wryttingis, buikis, letteris and messages, to the hurt and prejudice of the royall persone and authoritie of the Kingis Majestie, our Soverane Lord, and of the trew religioun professit be his Majestie and all his guid subjectis," ordain open proclamation to be made at the market crosses of the head burghs, towns, and ports upon the coast, charging all skippers, owners, and mariners of vessels not to transport any Jesuits or such persons within this realm after publication hereof, under pain of confiscation of the goods belonging to the skippers and "sameikle of the schip, guidis and geir being thairin, as pertenis to the awnaris

being within the same and previe to the hamebringing"; commanding also the provosts and bailies of all burghs within whose harbours ships arrive, and also the customers and cocketters within the said bounds, not to suffer any of the said ships to depart hereafter or to custom their goods till they find caution not to bring within this realm any of the persons foresaid, their books, letters, or messages, under pain of confiscation of their ships, with all their moveable goods. Acta 1598-1601.

Charge for assurances between Lord Glammis and Crichton of Cluny.

There being "sum variance and contraversie" between Patrik, Lord Glammis, on the one part, and Sir Robert Crychtoun of Cluny, on the other part, for the slaughter of Mr. Williame Meldrum of Moncoffer, both are required to subscribe such form of assurance as shall be presented to them, to endure till 1st January 1602, and to report the same for registration within six days after the charges, under pain of rebellion. Page 446.

Again in the case of Elizabeth Seton against the bailies of Burntisland.

The action at the instance of Elizabeth Seytoun against the bailies of Bruntiland (*ante*, p. 182) being resumed, and the pursuer and Johne Clepane being both present, the King and Council assoilzie Clepane from this action, because it was in obedience to the King's letters that he put the said Mr. Johne Provand at liberty out of the said tolbooth. Further, as Provand remains not in ward within his own house in Bruntiland, conform to the said letters, he is ordered to enter in ward in Edinburgh Castle within three days after the charge, under pain of treason. Page 447. Page 448.

The Goodman of Manderston against Helen Grimslaw as executrix of her late husband.

Action at the instance of Sir Alexander Home of the Snuke, late warden of the East March, as follows;—Certain of the Robsonis of Teviotdaill, within the Middle March, tenants of Andro Ker of Fairneherst, having reft some goods from Roger Selbie of Granden, Englishman, "quhilkis fyllit the said Eist Merche," and they being "fyllit in the bill persewit be the said Roger aganis them," the late Robert Ker of Newtoun and Johne Home of Middilthrid had become bound for payment to the said Roger of £30 sterling in full satisfaction of the said bill. Johne Home had paid his share of the said sum, viz., £15; but, the said Robert having deceased without making payment of his part, the complainer "wes straitit be the opposit officer for payment of the said fyftene pundis sterling, quhairof the said umquhill Robert Ker failyeit in payment, and in end wes forceit to enter his awin officiar to his opposite for assuirance of payment of the said sowme." He is now urged to relieve his officer with payment of the said sum; of which Helene Grymmislaw, relict and executrix of the said Robert, and Mr. Robert Ker, now her spouse, for his interest, refuse to relieve him unless compelled.—The pursuer appearing by his eldest son and apparent heir, but the defenders failing to appear, the King and Council ordain them to make payment to him of the said sum within six days after being charged, under pain of rebellion. Page 449.

To denounce Alexander Stewart for assaulting Mr. Alexander Lockhart, one of the King's ushers.

Complaint by Mr. Alexander Lokhart, one of the ushers of the King's chamber, as follows:—Alexander Stewart, son of James Stewart of Allantoun, "pretending ane querrell aganis the said complenair for allegeit halding of him at his Majesteis chalmer dur at sum tyme quhen his Hienes desyrit to be quyet," came upon 25th July last to the complainer's

cta 1598–601.

dwelling house and directed his own boy to desire him to come forth and speak with him. The complainer, suspecting nothing, came out, without any armour, and found Stewart standing at his gate, armed with sword and pistolet. After "freindlie salutatioun" between them, Stewart craved

age 450.

the pursuer to go with him to the back of his yard, and there, "takand the advantage of his naikednes," pursued him for his life with his drawn sword. "Be the providence of God" the complainer defended himself, when Stewart "bendit his pistolett and presentit the same to the said complener"; which having been "thrawin out of his hand" by complainer, he took again to his sword and gave complainer two deadly wounds upon the head, leaving him for dead.—Charge had been given to the said Alexander to appear, and to his said father to enter him; and now, the pursuer appearing, also the said James, but Alexander having failed to appear, the King and Council assoilzie the said James, because he has declared by his

age 451.

"grit aith" that his son had not to his knowledge been resetted in his house "sen the committing of the said fact," but ordain him to find caution in £1000 that his said son shall not be resetted in his house during his rebellioun; and, in respect of the absence of Alexander, they ordain him to be put to the horn.

Johne Kincaid of Craighous having appeared this day, conform to the charge given him, to answer for the "lait contempt and indignitie" done by him so near his Majesty's person and presence "in the violent raveschíng and awaytaking of Issobell Huchiesoun, wedow," the order is, "in respect of the notoritie of the said cryme," that he enter in ward in Edinburgh Castle and remain there till tried for the said crime.

Kincaid of Craighouse committed to ward for the abduction of Isobel Hutchison.

Sederunt—Cancellarius; Cassillis; Kinlos; Halyruidhous; Advocatus; Privy Seal; Clericus Justiciarie.

Edinburgh, 30th December.[1]

"The quhilk day, Johne, Erle of Montrois, chancellar, declairis in presence of the Lordis of Secret Counsell that it wes his Majesteis will and pleasour that Maister David Lindsay, Bischop of Rose, suld be ressavit and admittit to be ane of the Lordis of his Privie Counsell; and thairfoir the saidis Lordis, according to his Hienes directioun signifeit to them be the said Lord Chancellar, ressavit the said Maister David to be of the

age 452.

nowmer of his Privie Counsell. Lyk as he, being personallie present, maid faith *in communi forma*."[2]

Mr. David Lindsay, Bishop of Ross, admitted of the Council.

[1] On the 23rd of December there had been the baptism of the infant Prince Charles, afterwards Charles I. It had been "hastened," says Spotswood, "because of the weakness of the childe, and that his death was much feared" (461). He was created Duke of Albany, Marquis of Ormond, and Earl of Ross. In this month and in the last there had been several creations of new peers and promotions in the peerage. Alexander, Lord Livingston, had been made Earl of Linlithgow; Robert, Lord Seton, had been made Earl of Winton; Sir Robert Ker of Cessford had been created Lord Roxburgh; and Patrick Leslie, commendator of Lindores, had been created Lord Lindores.

[2] This is the first admission of one of the new clerical bishops to the Council. See *ante*, p. 164 and p. 173, footnotes. Mr. David Lindsay, though Bishop of Ross, was still popularly known as only Mr. David Lindsay, minister of Leith.

Action by Robert Blair against Mr. Henry Anderson for non-payment of debt and for violence.

Complaint by Robert Blair, burgess of Perth, as follows:—He had obtained letters of horning against Mr. Henrie Andersoun, burgess there, for non-payment of certain sums; and, because Andersoun had remained at the horn, he had, upon 7th July 1599, directed Olipher Craig, his servant, with the said letters, to the burgh of Edinburgh, for obtaining letters of caption thereupon. But, while Olipher was returning home with the said letters, Johne Colt, brother-in-law of the said Mr. Henry, had, by his causing, put violent hands in Craig, taking him captive, and reft from him the said letters of horning and caption and other letters belonging to complainer.—The pursuers appearing personally, and the said Mr. Henrie being also present, and Colt appearing by Mr. Olipher Colt, his procurator, the Lords assoilzie the defenders, (1) because, the point of the violent taking and detaining of the said letters having been referred to the said Mr. Henrie's oath of verity, he has sworn that he had not taken them from Craig, but that they were brought to him by James Berne, his sister's son, and that he sent them back immediately by James Adamesoun to the pursuer, who had refused to receive them, (2) because the said pursuer has confessed on oath that the letters had been so offered to him, and that he had refused them till he understood from whom Adamesoun got them. Acta 1598–1601. Page 453.

To denounce William Somerville and others on a charge of assaulting William Johnstone on Sunday.

Complaint by David Dundas of Preistisinch, as follows:—On a Sunday in November last, William Sommervell, younger of Puill, Thomas Sommervell, his brother, Williame Sommervell in Amferla, with their accomplices, armed with hagbuts and pistolets, came to his herd Williame Johnestoun at the "styll" of the kirk of Carneveth, to which he was "gangand to the preiching," and there, without "feare of God," or reverence of the laws made for keeping the Sabbath day and against invasion of the lieges in kirks and kirkyards, shamefully pursued the said herd for his slaughter, and chased him from the kirk to a house in the town, where they besieged him and would have slain him if he had not been relieved by some good neighbours of the town and others within the church who heard the "effray." In their pursuit of the herd the said Somervell in Amperlaw "kaist ane pistolet at him quhairwith he almaist feld him." The intention of such oppressions is to lay waste the complainer's lands of Moschat.—The pursuer appearing by James Balloch, his procurator, the defenders, for not appearing, are to be denounced rebels. Page 454.

To denounce Gordon of Gight for not answering to a charge of reset of a thief and of goods stolen by him.

Complaint by George, Earl Merschell, Dame Margaret Ogilvy, his spouse, Johne Keith, captain of Dynnotter, and James Hog in Ballyedrie, as follows:—Alexander Keyth in and his accomplices had been convicted of having stolen from the said Lady a gray horse and from Hog two mares. But, because the culprit was a Keith, the assize had continued the pronouncing of doom upon him till they had "devysit ane forme of death to him," and in the meantime had delivered him to the said Captain, to be kept in the said castle. He had escaped thence; and the complainers have ever since used all diligence not only for his re-apprehension but also for recovery of the said goods. At last they had found the animals "gangand and pasturand" upon the lands of Geycht, in the pos- Page 455.

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session of Gordoun of Geycht and certain of his tenants. Thereupon they had attached the goods and desired the Laird of Geycht to make restitution of them, offering to "verifie the horse and meiris challengeit." The Laird of Geycht, however, not only refused to deliver up the said goods, but "maist maliciouslie and cruellie," accompanied by Georg Gordoun, Robert Dalgleisch, Georg Baird, Georg Davidsoun, and divers others of his men, all armed with hagbuts, pistolets, jacks, steelbonnets, swords, gauntlets, and other weapons, pursued the said Hog and those with him at the said challenge, and wounded them in divers parts of their bodies. Further, ever since the said Alexander's escape, he has been resetted and maintained by the said Laird of Geycht.—The pursuers appearing by Mr. George Fraser, their procurator, the Laird of Geycht, for neither appearing nor having entered Keyth as charged, is to be denounced rebel.

age 456.

John Mowat against the magistrates of Inverness, Elgin, and Forres, for reset of a rebel.

Action raised by Johne Mowat, son of the late Mawnis Mowat in Cowie, bearing that, upon 23rd December 1599, Johne Winsister of Alterlie had been put to the horn at his instance for non-payment of the duties of the Chaplainry of the Rood due to the complainer for certain years past. Winsister, who is still at the horn, has been resetted and maintained by the provosts and bailies of Inuernes, Elgin, and Forres, notwithstanding the letters of caption used against them for his apprehension.—Charge had been given to the [here the minute abruptly stops].

Holyrood-house, 1st January 1601.

Continuation of action against the Earls of Argyle and Atholl.

age 457.

The action by the treasurer and advocate against Archibald, Earl of Ergyll, and Johne, Earl of Athoill, touching entry of certain of their men to answer for the herships committed upon the King's tenants of Strabrand upon 27th August last (*ante*, p. 176), is continued to 15th January; of which Mr. Johne Archibald, procurator for Ergyll, and Georg Nesmyth, procurator for Athoill, being both present, are warned.

Edinburgh, 8th January.

Sederunt—Cassillis; Thesaurarius; Secretarius; Kinlos; Collector; Clericus Justiciarie; Custos Secreti Sigilli; Advocatus; Spott; Elimosinarius.

To denounce Henry Sinclair of Whitkirk and others for not answering to a charge of the abduction and rape of the daughter of George Carkettle, burgess of Edinburgh: Case continued against some others of the defenders.

Complaint by Mr. Thomas Hammiltoun of Drumcairne, his Majesty's advocate, for his interest, and by Georg Karkettle, burgess of Edinburgh, as follows:—At 12 o'clock at night upon December last, Robert Hepburne of Alderstoun,—at least Andro Andersone, his servant, Stevin Fiddell (Fiddes) and Miller, his domestic servants, Gawin Tynno, "vagabound, his dependar," George Hepburne of Elstainefurd, George Hepburne, his son and apparent heir, Henry Sincklair of Quhytkirk, Alexander Patersone and Thomas Trotter, his servants, and Mr. Olipher Sinclair, his brother, Williame and George Hepburnis, sons of Patrik Hepburne in Stevinstoun, James Stevinsone, carter to the said Patrik, and Hew Cowane, his miller, all by the special direction of the said Patrik Hepburne (who furnished his said sons with his own horse) and James Hepburne, brother of the said Patrik, with

their accomplices, all armed,—came to Karkettle's house of Monkrig, where his wife, daughter, and the rest of his household, were taking the night's rest, "forceablie brak the said hous in thrie severall pairtis, enterit within the samyne, and violentlie ravissed and tuik the said Karkettle [his daughter], out of hir bed, scho being for the tyme lyand with hir mother, and careit hir that nycht to the said Robert Hepburnis place of Markill, inhabit and possest be his awin servandis, quhair they wer ressett, hurdit, and keipit be the space of be the privie knawleg, allowance, and speciall directioun of the said Robert Hepburne; and in the said place the said Karkettill wes maist schamefullie deflorit and forceit, in sic a abhominable and detestable forme as hes not bene hard of amang Christeanes nor in na cuntrie subject to a Christiane prince." Thence they carried her to the house of James Foid in Houstounhauch, who resetted them one night; thence to the place of Quhykirk, where the said Henry resetted them one night; thence to the house of in Adam, and thereafter to Karkettlemylne, where she was resetted two or three nights. She was resetted one night in Edmestoun and another night by George Fendar in Seytoun in his house. "Quhilk vyle and abhominable fact, being a cryme of heich treasoun, tuicheing his Majestie maist heichlie in honour and conscience, and careying with it sa foull a sclander to the haill cuntrie, his Majestie can not oversie the dew tryell and punischement, least the ouersicht and impunitie of the same not only procuir the wraith and displeasour of God, bot gif occasioun to utheris to commit the lyk."—Pursuers appearing personally, and the said Robert Hepburne of Alderstoun, George Hepburne of Elstainefurd, George Hepburne, his son, Patrik Hepburne of Stevinsoun, James Fode, and George Fendar, being also present, the complaint against them is continued till 13th instant, while Henry Sincklair of Quhytkirk, Mr. Olipher Sinckler, Alexander Patersone, Thomas Trotter, Andro Andersoun, Stephin Fiddes, Gawin Tynno, Myller, Williame Hepburne, George Hepburne, James Stevinsoun, Hew Cowane, and James Hepburne, for not appearing, are to be denounced rebels.

Acta 1598 1601.

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Page 459.

The Treasurer against Mr. David Ogilvy for contravention of an act of caution.

Action at the instance of Alexander, Master of Elphingstoun, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, bearing that, although upon 26th November last Mr. David Ogilvy, son of James, Lord Ogilvy of Airlie, had become bound in 300 merks for Henry Sinclair of Quhytkirk, that upon 11th December last he would answer a complaint against him by Mr. Johne Forrest, minister at Quhytkirk, yet the said Henry had failed to appear on the said day, and so has incurred the said penalty.—The pursuer appearing personally, but neither the surety nor the principal appearing, the order is to direct letters against them for payment of the said sum to the said treasurer for his Majesty's use.

Page 460.

Holyrood-house, 13th January.

Sederunt—PRESENTE REGE—Cancellarius; Cassillis; Mar; Linlithgow; Fyvie; Uchiltrie; Thesaurarius; Secretarius; Justice Clerk; Privy Seal; Advocate; Collector; Halyruidhous; Computorum Rotulator; Clericus Registri; Spot; Elimosinarius.

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age 461.

age 462.

age 463.

age 464.

age 465.

Suspension of horning against Keith of Ludquharne.

Complaint by Williame Keith of Ludquharne, and Alexander Keyth, his son, as follows:—A year ago, letters had been directed ordering them on the one side, and Mr. Alexander Cheyne, brother of Patrik Cheyne of Essilmont, and George Ramsay, son of Robert Ramsay, apparent of Wyliecleuch, on the other side, to subscribe such form of mutual assurance as should be presented to them by the Clerk of Privy Council, within six days after the charge, under pain of horning; and for their non-obedience they had been denounced to the horn upon 25th November last. Now, the complainers were never lawfully charged, did not receive sight or copy of the said letters, and could not subscribe an assurance which had not been delivered to them. Hence the said denunciation ought to be declared null, and the letters of horning ought to be suspended simpliciter. Still, if it shall be found that by the said horning their escheat is fallen, the complainers have found caution to satisfy the treasurer.—Alexander Keyth appearing for himself and for his father, and the treasurer and advocate, with the said Mr. Alexander Cheyne and George Ramsay, being likewise present, the King and Council suspend the said letters executed against the complainers for the causes abovewritten, and also because the pursuers have produced assurances subscribed by them to the said Mr. Alexander Cheyne and George Ramsay. Also they remit the question of the nullity of the said horning to be discussed before the Lords of Council and Session.

Again in the case of the abduction and rape of the daughter of George Carkettle.

Resumption of the case pursued by George Karkettle, merchant, burgess of Edinburgh, against certain persons for the abduction and rape of his daughter in December last (*ante* p. 189):—Mr. Thomas Hammiltoun, King's advocate, and the said George, now appearing personally, and the said Robert Hepburne of Alderstoun, George Hepburne of Elstainefurd, Georg Hepburne, his son, Patrik Hepburne of Stevinstoun, James Fode, and George Fendar, being also again present, Karkettle passes from the pursuit of the said George Hepburne of Elstainefurd, George Hepburne, his son, James Fod, and George Fendar, but declares by his oath that he has just cause to pursue the said Robert Hepburne of Alderstoun. The said Robert Hepburne and the said Patrik Hepburne of Stevinsoun, however, both deny that they had any connection with the crime; the said Robert also pleading that, as his servants had assisted at the said crime without his knowledge, and as they have not been resetted by him since, he cannot be held responsible for them, and the said Patrik Hepburne pleading that he could not enter his said sons because he did not know that they were guilty of the said crime till the taking of Henry Sincler's man, that they have not since been in his company, and that at the time of the said crime they were forisfamiliated. The King and Council, "in respect the cryme foirsaid objectit aganis the said Robert and Patrik Hepburnes is treasonable and careis with it a grit dishonour to his Majestie and sclander to the cuntrie," ordain the said Robert and Patrik to be committed to ward within the castle of Edinburgh till farther order be taken for their trial and punishment.

Further proceedings in the same case.

The 20th instant assigned to Robert Hepburne of Marcle for the entry of Williame Charles and Thomas Quhyt, his men, to answer for their reset, in the place of Markill, of the said George Karkettle's daughter and of James Hepburne, her "ravisser and awaytaker," and to reveal by whose direction they resetted them, and whether the said Robert Hepburne of Marcle "come and spak with thame the tyme of thair thair being." The said Robert, being present, is warned hereof. Acta 1598 1601. Page 466.

Protests by Lord Ochiltree and the Sheriff of Ayr in the matter of their mutual assurance.

Andro, Lord Stewart of Uchiltrie, appears and protests that, although he has subscribed an assurance to Hew Campbell of Lowdoun, sheriff of Air, and to his men, as mentioned in the assurance, yet the same shall not be extended to the indemnity of any of the Sheriff's friends who are rebels; and Alexander, Master of Elphingstoun, treasurer, in name of the said sheriff, makes the like protest anent the assurance subscribed by the sheriff to the said Lord. The King and Council admit the protests.

To denounce Duncan Campbell and others for not answering to a charge of oppression.

Complaint by Sir James Skrimgeour of Dudop, constable of Dundie, that, on last, Colene Campbell of Otter, Duncane Campbell of Danna, and Dougall Campbell of Kilmorie, with their accomplices, came to his lands of Glastrie, and there, with many threatenings, compelled the complainer's tenants to "lowse thair plewis," and also "violentlie reft his saidis tennentis ky."—The pursuer appearing personally, the defenders, for not appearing, are to be denounced rebels. Page 467.

Holyrood-house, 15th January.

Sederunt—PRESENTE REGE—Cancellarius; Mar; Fyvie; Uchiltrie; Newbottle; Bishop of Dunkeld; Bishop of Ros; Halyruidhous; Thesaurarius; Secretarius; Justicie Clericus; Privy Seal; Advocate; Collector; Comptroller; Clericus Registri; Spott; Sir Robert Melvill, younger; Elimosinarius.

James Douglas, merchant in Leith, against William Hamilton, late bailie of Edinburgh, for acts of oppression.

Complaint by James Douglas, merchant in Leyth, as follows:—In the month of 1599, Williame Hammiltoun, then bailie of Edinburgh, most wrongously away-took from him, off the shore of Leyth, fourscore and five pieces of oak timber. When he complained of this to the council of Edinburgh, Hammiltoun, "be his moyane, being than bailyie," had caused commit him to ward in the tolbooth of the said burgh, where he was detained a long time without any just cause. On his release, Williame "unbesett him in the toun of Leyth with ane drawin suord and dager for his slauchter, and strak at him maist cruellie, and wald not [have] faillit to have slaine him without mercy wer not the help of God and guid nychtbouris, he haveing nather sword, quhinzear, nor uther wapone to defend him with, bot being gangand in quyet and sober maner."—Both parties appearing personally, the complaint is remitted to the judge competent thereto. Page 468.

Suspension of horning against Andrew Rae, burgess of Perth.

Supplication by Androw Raa, burgess of Perth, as follows:—James Stevinsone, chirurgeon, burgess of Edinburgh, alleging that he had obtained decree against the complainer, and against Olypher Young,

1598- bailie of the said burgh, ordaining them to pay him £68 due to him by Cristopher Luverance, burgess of Perth, because the said Cristopher, having been warded in the tolbooth of Perth on that account, had been released by them without warrant (*ante*, p. 175), has thereupon procured letters charging complainer to pay to him the said sum, within a certain time, under pain of rebellion. Now, the "tyme quhen he wes summond to the gevin of the said decreit wes in the tyme of his Majesteis Parliament, quhenas all the inferiour judicatoreis within this burgh wer close, and he as a witnes in our Parliament wes attending and awaiting upoun his tryell and examinatioun; and, seing the dyettis befoir the Counsell ar peremptour, he hoipit to have bene wairnit of new,—utherwyse he would have compeirit, and had guid ressonis to have proponit quhairfoir decreit sould not have bene gevin aganis him," *e.g.*, that he was not party either to the warding or the setting to liberty of the said Cristo-
469. pher, "bot the bailyie, relevar of him, aucht to be ansuerable for his awin deid." Still, he will find caution for payment of the said sum in case it shall be found that he ought.—The pursuer appearing by Alexander Douglas, macer, his procurator, the Lords suspend the said letters of horning.

Suspension of horning against William Cubison and others.

Complaint by Williame Cubiesoun in Glenmuk, Georg Greg in Culyeroch, and Johne Greg in Loankfurd, that letters of horning have been directed against them for not appearing personally to answer a complaint by Williame Greirsoun of Lag. Now, their non-appearance proceeded not from disobedience, but from "meir simplicitie," for they supposed that it would be sufficient for them to appear by a procurator. If they had understood that their own appearance was necessary, they would have appeared and justified their innocence; and, having found caution, each in 200 merks, for their appearance upon 15th January, they plead
470. that the said letters should be suspended simpliciter.—The pursuers appearing personally, but Greirsoun failing to appear, the King and Council do suspend the said letters.

Absolvitor to David Hunter from a charge of abduction and oppression.

Action at the instance of Alexander, Master of Elphingstoun, treasurer, setting forth that, while James Gibsoun, merchant in Dundie, was coming from the Lowrence fair upon last, David Hunter, merchant in Dundie, "unbeset his hie way, pat violent handis in him, tuik him bak captive," and carried him first to Straithbogy, where he detained him six nights, and from that place to Elgine, where he kept him till he promised never to pursue him for the said violence. Notwithstanding this promise, and though the parties are agreed, yet, in respect the said crime is "a ryot and manifest oppressioun and a usurpatioun of his Majesteis princelie
471. authoritie," the matter ought not to be passed by.—The Treasurer, Hunter, and Gibsoun appearing personally, the King and Council assoilzie Hunter simpliciter.

Suspension of horning against James Cranston and

Action at the instance of James Cranstoun in Monktounhall, Alexander Cas there, Alexander Thomsoun there, Alexander Wrycht there, feuarportioners of a part of the lands of Monktounhall, and Williame Younger,

others, charged with not having the outfit of arms required by law.

Thomas Duncane, and Archibald Hislop, fermorers of James Rychertsoun of Smetoun's part of the said lands, as follows:—They are charged, by letters raised by Sir Michell Balfour of Burley, to buy from him, conform to the Act of Convention made in June 1598 (*ante*, p. 63), so much armour as effeirs to them within a certain time, under pain of rebellion. Now, (1) the said letters are general, not specifying the arms they should buy, and so are "verie evill and inordourlie" executed against them; (2) the said Act cannot be extended to the complainers, because the said feuars have but a small portion of the said lands, the rents of their portions not extending to two chalders yearly, nor are the fermorers abovewritten obliged to buy any arms, in respect they have no lands nor rents, but pay "ane grit ferme and dewtie" to Richertsoun for the small portions of roums possessed by them; (3) each of the complainers is already armed according to his estate, viz., each of the said four feuars with a jack, knapskaw, platesleeves, hagbuts, and other sufficient weapons effeiring to a horseman, and each of the said fermorers with a jack, knapskaw, and other weapons sufficient for a footman. Yet, for eschewing the danger of horning, the complainers have found caution to buy the said armour in case it shall be found that they ought.—The pursuers appearing personally, and Alexander Lowrie, factor to the said Sir Michell, being also present, the King and Council, understanding that the complainers are not of the "rank and moyan" contemplated by the said Act, suspend the said letters simpliciter, and discharge all officers of the law from putting the same into execution against them for the causes abovewritten. Acta 15 1601. Page 47

Holyrood-house, 16th January.[1]

Sederunt—Cancellarius; Linlithgow; Fyvie; Thesaurarius; Secretarius; Collector; Comptroller; Spott.

Decree against the Treasurer and Comptroller in favour of Wemyss of Bogie.[2]

"The quhilk day Alexander, Maister of Elphingstoun, thesaurar to his Majestie, and Sir David Murray of Gospertie, knycht, his Hienes comptroller, compeirand personallie befoir the Lordis of his Majesteis Secret Counsell, and submittand thameselffis to the delyverance of the saidis Lordis anent the payment of the sowme of aucht thowsand and fyve hundreth merkis to James Weymis of Bogy and Maister Johne Moncreif of Eister Moncreif, quhairin thay stand oblist, as cautioneris for umquhill Johne, sumtyme Erle of Gowrie, to Robert Jolie, merchand, burges of Edinburgh, the saidis Lordis, having hard the ressonis and allegationis proponit be baith the saidis pairteis aganis the payment of the said sowme or ony pairt thairof, and being thairwith weill advisit, decernis and ordanis the saidis pairteis, as his Majesteis officiaris, to mak payment of the said sowme Page 47

[1] "In respect of the difficultie and obstinat refusall of the toun of Edinburgh to accept other ministers than their owne, the King gave their ministers licence upon the 16th of Januar to come home and dwell in their owne houses till he were farther advised, Mr. Robert Bruce onlie excepted" (Calderwood, vi. 101).

[2] For Wemyss of Bogie and his connection with the Gowrie family see footnote *ante*, p. 150; and, in the same connection, see also an Act in favour of him and of his associate in the present Act, Mr. John Moncreiff, among the Acts of the late Parliament of November 1600 (Acts, iv. 245).

1598– equallie betuix them, viz., ather of thame the just and equall half thairof extending to four thousand tua hundreth and fyftie merkis, and that furth of the first and reddiest of the said umquhill Erlis rentis, fermes, and dewteis restand untane up of the croppis and yeiris of God j^{m} v^{c} fourscoir nyntene yeiris and sax hundreth yeiris, conform to the Act of Parliament past in favoris of the said James Weymis of Bogy and Maister Johne Moncreif to this same effect, and that letteris be direct heirupoun gif neid beis in forme as effeiris."

Sederunt—Cancellarius; Mar; Fyvie; Secretarius; Dunkeld; Ros; Halyruidhouse; Collector; Privy Seal; Justicie Clericus; Advocatus; Spott; Clericus Registri. Holyrood-house, 20th January.

Grissell Finlayson against John Logan and others, for rescuing Mr. Adam Bellenden, her debtor while under arrest.

Complaint by Grissell Findlaysoun, relict of Thomas Annand, goldsmith, burgess of Edinburgh, as follows:—Upon 27th April 1599, Mr. Adame Bellenden, brother of the late Mr. Thomas Bellenden, tutor and wardatar of Kilconquhar, had been put to the horn at her instance for non-payment to her of the sum of 500 merks as principal, together with £10 "for ilk
474. boll of nyne bollis, half beir half meill," and £20 of expenses. Whereupon she had raised letters of caption, by virtue whereof Johne Dowgall, messenger, had upon 19th instant apprehended the said Mr. Adame in the Cannogait at the stair foot of his own chamber. But, while the said officer was carrying him to the bailies of the Cannogait, to be warded, Mr. Walter Bellenden, accompanied by four or five persons, violently took him from the officer and set him at liberty. Further, upon 23rd of the same month, when the said Mr. Adame had been again taken by the same officer, in the Cannogait upon the high street, foranent Finla Tailyeour's lodging, he had been put in the house of Issobell Craufurd till he should be delivered to the said bailies; but in the meantime Johne Bellenden in Leith, Logane, his good-son, and the said Mr. Walter, accompanied with twelve or fourteen persons, came to the said house and violently took the said Mr. Adame, carrying him through the close and lodging of the late Sir Lewes Bellenden, justice clerk, and so restored him to liberty. —The pursuer appearing personally and the said Johne Bellenden and Johnne Logane being also present, the King and Council assoilzie them
475. from the said pursuit, because, the points of the complaint having been admitted to pursuer's probation, she has failed to prove her allegations. They farther ordain the said Mr. Walter Bellenden to be put to the horn for non-appearance.

To denounce the Earl of Atholl and certain of his men, for not answering to a charge of spuilyie and violence.

Complaint by Thomas Tailliour, flesher, burgess of Perth, as follows:— In November last, having bought 30 kye at the fair of Elycht from some of the Earl of Mar's tenants, he was driving the said goods towards Perth, when Robert Reid at the port of Tullimat, Thomas Dow there, Malcome Reid there, and Johne Reid in Little Dunkeld, all tenants and servants of Johne, Earl of Athoill, having overtaken him at the Mure of Blair, violently reft from him the said goods, together with his purse and 300

merks of gold and silver, and carried him with them, first to Tullimett, where they detained him that night, and next morning to Dunkeld, where he was detained three nights in strait ward, and could not get his liberty till he had found caution in 500 merks to answer at the said Earl's court. The said persons being broken men, he can get no redress from them unless the said Earl, their master, shall enter them.—The pursuer appearing personally, and the Earl of Athoill appearing by Sir James Stewart of Balliachane, his procurator, but the said offenders not appearing and not having been entered by the said Earl, the King and Council ordain the said Earl and them to be denounced rebels. Acta 15 1601. Page 47

Holyrood-house, 22nd January.

Sederunt—REGE PRESENTE—Cancellarius; Linlithgow; Fyvie; Uchiltrie; Thesaurarius; Secretarius; Ros; Dunkeld; Custos Secreti Sigilli; Halyruidhous; Advocatus; Collector; Clericus Registri; Spott.

Action against Balfour of Burley and others, for resetting certain Jesuits.

The King's letters set forth that, notwithstanding the divers Acts of Parliament against the resetting of Jesuits, seminary priests, and trafficking papists, Mr. Johne Hammiltoun, Mr. Johne Hay, and Mr. Robert Abercrumbie, "avowed and knawin ennemeis to the treuth, and politiquis and traffiqueris in materis of estait sen thair repairing within this realme," have been resetted by Sir Michaell Balfour of Burley, James Weymis of Caskybereane, and Alexander Seytoun, sheriff depute of Hadingtoun, within their houses.—Balfour and Seytoun appearing personally, and Weymis by his procurator, the last produces a testimonial from the ministers and elders of the parish of Kinglassie, dated 18th instant, certifying the "present disease and infirmitie of the said James Weymis and his inhabilitie to travell." The King, with concurrence of Mr. Thomas Hammiltoun of Drumcairne, his advocate, having accused the two persons present of the said reset, Balfour by his great oath declares that the said Mr. Johne Hammiltoun had been resetted by him last harvest, but only for three nights in one week, and that he has not seen him since, and protests that, as he has not resetted Hay or Abercrumby, and as Hammiltoun, whom he did reset, was not declared rebel, all inferior judicatories, especially church courts, should be discharged from all proceedings against him for that cause, and the punishment of his offence, if any has been committed, should be remitted to his Majesty himself. The King and Council admit the protest and ordain accordingly. Alexander Seytoun, on the other hand, denies culpability altogether, declaring that, though in the month of Hammiltoun came to him, it was under the "usurpit name of Johne Thomesoun." More particularly, "the said Alexander being gangand for the tyme upoun the hie streit of Hadingtoun," the said Hammiltoun, under the said "usurpit name" of Johne Thomsoun, "had delyverit him commendationis fra Gourlay in Leith, and in his name had desyrit the said Alexander to convoy him to a ludgeing." He had had no further dealings with the person, and did not know Page 4 Page

1598– who he was. The King and Council, having heard this statement, remit this matter for the said Alexander's part to farther information. They excuse the absence of Weymis in respect of his sickness.

Charge for new mutual assurances between the Maxwells and the Johnstones.

Understanding that the assurances lately passed between Sir Robert Maxuell of Spottis, Eduard Maxuell, elder of Tinwall, Williame Maxuell, apparent of Tinwall, Harbert, Eduard, and Johne Maxuellis, all sons of the said Laird of Tinwall, Johne Maxuell of Kirkconnell, Johne Maxuell of Conhaith, Eduard Maxuell of the Hillis, George Maxuell of Drumcolterane, Alexander Maxuell of Balgreddane, Archibald Maxuell of Couhill, James Maxuell of Portrak, Eduard Maxuell, his brother, Homer Maxuell of Carnesallauch, Harbert Maxuell of Kirkmaho, Johne Maxuell of Keltoun, Eduard Maxuell of the Ile, Robert Maxuell of Dynwyddie, Maxuell of Killiling, and Maxuell of Lammyngtoun, all on the one part, and Sir James Johnestoun of Dunskellie, on the other part, are now expired, although the "variance and controversie" between the parties is not yet taken away, the King and Council ordain the said persons to subscribe such form of mutual assurances as shall be presented to them, to endure till 1st January 1602, within six hours after the charge, under pain of rebellion.

To denounce Mr. John Hamilton and others for not appearing to a charge of conspiracy against Church and State.

479. Albeit all and sundry Jesuits, seminary priests, and trafficking papists had been found by Parliament "to be maist pernitious pestis in his Hienes estait," and therefore commanded to depart this realm, under pain of rebellion, yet Mr. Johne Hammiltoun, Mr. Johne Hay, and Mr. Robert Abercrumby, "avowed and conjured enemeis to Godis treuth," are returned from abroad, of purpose to "seduce his Hienes guid and loving subjectis fra God and thair dew obedience to his Majestie; lyk as thay ar buselie occupyit not onlie in alluring the simple and ignorant people to declyne fra the treuth and thair dew obedience to his Majestie, bot thairwithall thay ar knawin to be politiquis and trafficqueris in materis of estait for distracting of the hairtis and myndis of effectionat subjectis fra the reverent obedience of thair lauchfull magistratis in all cuntreis quhair thay have maid thair residence."—None of the said defenders appearing, the order is to denounce them rebels.

Bruce of Clackmannan against Bruce of Fingask for violence and assault.

Complaint by Sir Robert Bruce of Clakmannane, as follows:—Upon day of last, Patrik Bruce of Fingas and others in his name came to the pursuer's lands of Over Fingas and demolished a house belonging to him; and upon 31st July last, the said Patrik, his brothers, and accomplices, came by way of hamesucken to the dwelling house of Richart Smyth, the complainer's tenant in Over Fingas, and with drawn swords invaded him for his life, wounded him in the head, and left him
480. for dead. Farther, the said Patrik, accompanied by thirty six persons, all armed with swords, lances, spears, hagbuts and pistolets, came out of the said Patrik's own house of Nether Fingas upon 25th September last, upon set purpose to waylay the complainer, while he was passing, accompanied only with a man and two boys, from his place of Rait to his lands of Over Fingas, and there wounded him in the side, struck him through with a

lance, and hurt Mr. James Hepburne, his servant, by shooting him through the thigh with a pistolet, and also wounding him with a lance in the side. They also wounded Patrik Bruce, complainer's servant, with a lance in the breast.—Both parties appearing, and, the defender having admitted the demolishing of the said house, but said that it was his own and built on his own proper lands, the King and Council assoilzie him from the charge of invading the said Richart Smyth. They find, however, that the charge against him of having wounded the pursuer and his servants while they came from the place of Rait to the lands of Over Fingask has been clearly proved; and they remit the punishment of the defender for that offence to the "arbitrement of his Majestie, in sa far as concernis his Hienes self allanerlie." Acta 1601. Page 4

Bruce of Fingask against Bruce of Clackmannan, for invading him for his life.

Complaint by Patrik Bruce of Fingask, as follows:—As he was in his place of Fingask upon 25th September last, Sir Robert Bruce of Clakmannane, accompanied by Mr. James Hepburne, Patrik Bruce, "and thair tua servandis," Archiebald Bruce, Thomas Dumbrek, Eduard Wychtman, Williame Huttone, Frances Leirmonth, Robert Bruce, Androw Robertsoun, Johne Smyth, James Smyth, and Johne Donnald, to the number of fourteen persons, all armed with swords, bows, pistolets and other weapons, "come passing upoun the face of the hill foiranent the said compleneris place of Fingask, as gif he had bene to pas to Over Fingask; bot his intentioun wes onlie to sie gif he mycht ather have gottin himselff or sum of his servandis in the feildis, quhome he thocht rigourouslie to have misusit in the way quhair he wes passand. Thair hapnit ane servand of his, callit Patrik Rauff, to be keiping his guidis, quha persaving the Laird of Clakmannane and his cumpany in weirlyk maner, he pairtlie for feir to be strikin be the Laird (as he oftymes did practize upoun his servandis), and pairtlie feiring that the said complener had bene furth about his auld place, as his custome wes, and that the Laird of Clakmannane sould have cum upoun him at unawaris, the boy takis the chais the reddie way to the said compleneris place, with ane loud cry and schout: quhilk schout being hard be him within his said place, he ischewit himself furth, but ony armour, with ane lance onlie in his hand, and stude at the yet to sie quhat the mater meanit; and incontinent the said complener persavit the said Laird of Clakmannane and his cumpany comeing directlie towardis him with mony injurious wordis quhilkis ar baith tedious and unworthie to be rehersit. The said compleneris brother, Maister Peter, being of accident repoising himself in the feildis neir by, come in all haist with his hat in his hand to the said Laird of Clakmannane, requeisting and praying him, with grit reverence and mony fair wordis, to stay and leif af that wicked enterpryse aganis his awin bluid and kinsman. Yit nathing prevaillit; bot the mair fair langage wes usit to him the mair his cruell rage wes inflamit, till at last, be instigatioun of Maister James Hepburne and Patrik Bruce, the said Sir Robert and his haill cumpany umbeset the said complenar and certane his servantis at his awin yett; and he, persaving that, pat doun and held thair lances to thame for saifgaird and defence of thair personis: Page 48

a 1598-1. and, he and his cumpany knawing that thay could get na advantage of thame with thair swordis, thay then dilaschit thair pistolettis and schot braid heukit arrowis at thame, quhairwith Walter Buchane, the said compleneris servand, wes schot with twa bullettis abone his previe memberis, and Thomas Hay, his uther servand, wes schot throw the leg with ane braid heukit arrow; and, gif the said complener had not bene sa neir his awin yet and thairby reskewit himself, thay had not faillit to have slaine him and his cumpany."—The pursuer and defender appearing personally, and the reasons and allegations of both parties, with the declaration of Patrik Bruce anent the shooting of the pistolets at Walter Buchane, together with the depositions of certain witnesses, having been heard and considered, the King and Council assoilzie the defender from e 483. all the points of the said action, because he has produced the pistolet wherewith the said Patrik Bruce shot Buchane, "allegeing the same pistolet to have perteinit to the said persewar, haveing his fatheris merk and armes thairupoun, and that the said Patrik Bruce gat the same lyand upoun the feild amang the said persewaris cumpany the tyme libellit," and because, this point having been referred to the said Patrik Bruce, he has declared by his great oath that, "being in Over Fingask the tyme libellit, and feiring the trouble betuix the saidis pairteis, he come with speid to the said defendar, and, finding the said pistolet lyand upoun the feild amang the said persewaris cumpany, he tuik the same up and schot it in maner foirsaid, thairefter schot ane arrow." They also assoilzie the defender because the pursuer has failed to prove the remaining points of the said libel.

The ministers of Coldingham and Jedburgh against Lord Home, for alteration in the assumption of the thirds.

Complaint by the Commissioners of the General Assembly, in name of the ministers of the kirks of Coldinghame and Jedburgh, as follows :— They are "verie far interest, hurt, and prejugeit in thair ordinarie stipendis" assigned to them, under the pretext of a commission granted by Parliament to Sir Thomas Lyoun of Auldbar, Mr. Thomas Hammiltoun of Drumcairne, King's advocate, Johne, Commendator of Halyruidhous, Mr. Johne Prestoun of Fentounbarnis, collector, and Mr. David M'Gill of Cranstounriddell, or any three of them, anent the trying of the value of the benefices of Coldinghame and Roxburgh and making a "just thrid of the same" (*see* Acts of Parl., iv. p. 244). In consequence, "the saidis commissioneris hes alterit the auld thrid of the saidis beneficeis, and hes maid and set doun ane new thrid of the samyne, in sic a forme and maner as the haill new thrid of the saidis tua beneficeis, according as thay have set the same doun, will not be a sufficient stipend for tua ministeris to the haill kirkis of the saidis tua beneficeis; sua that the haill ministeris of the saidis kirkis ar lyk to be disapointit of thair stipendis and the 484. saidis kirkis thairby left desolat and unprovydit."—Charge had been given to the said Hammiltoun and Prestoun, as also to Masters Johne and Thomas Nicolsonis, "havears of the said new thrid in thair handis," to produce the said commission and new third of the said two benefices, in order "to have hard and sene sic guid ordour tane be his Majestie and Counsell thairanent as the ministeris of the saidis kirkis be

not prejugeit in thair stipendis." And now, Mr. Johnne Abernethie, minister of Jedburgh, appearing for the ministers of the said kirks, and Alexander, Lord Home, appearing for his own interest, and the other persons abovewritten being also present, the King and Council, with consent of Lord Home, ordain the assignations already given furth to the ministers of the said kirks for this year to be effectual to them for "bruiking and joysing of thair saidis stipendis," notwithstanding the alteration of the old third, and engage that in the meantime his Majesty will take order for the assurance of the said ministers in the peaceable possession of their stipends, conform to the old third foresaid. Acta 1598 1601.

Edinburgh, 27th January.

Sederunt—Cancellarius; Fyvie; Uchiltrie; Thesaurarius; Newbottle; Secretarius; Episcopus Rossensis; Episcopus Dunkeldensis; Kinlos; Halyruidhous; Privy Seal; Justice Clerk; Computorum Rotulator; Collector; Spott; Advocatus; Clericus Registri. Acta 160 Page 485.

John Murray against John and Alexander Robertson, for assault and spuilyie.

Complaint by Johne Murray in Wester Dunlappie, as follows:—Upon 24th December last, Alexander Robertsoun and Johne Robertsoun in Wester Dunlappie, with others, came to the pursuer's house in Dunlappie, entered their horses in his stables, assaulted him and his servants, broke up all the lockfast doors and chests in his house, and intromitted with the whole of the moveables within his house, worth 500 merks; and, his bairns being lying in their beds, they "schuik thame out of thair scheittis." Afterwards, they went to his barn and barnyard and took furth thereof 30 bolls of corn and 20 bolls of bear. He dares not resort to his house for fear of his life.—The pursuer and the said Johne appearing, the Lords remit the matter so far as concerns the said Johne to the judge ordinary, and ordain him to be committed to ward in the tolbooth of Edinburgh till he find caution for the indemnity of the pursuer. The said Alexander, failing to appear, is to be denounced rebel. Page 486.

Holyrood-house, 29th January.

Sederunt—Cancellarius; Fyvie; Newbottle; Thesaurarius; Custos Secreti Sigilli; Clericus Justiciarie; Advocatus; Halyruidhous; Clericus Registri; Computorum Rotulator; Spott.

Act anent payment of the new custom and duty on wines.

Because of the many losses sustained by the "ventaris of wyne," not only by the "continuall lekage thairof and fraud and desait of thair servandis having the chairg of the selling and rynning of thair wynis," but also by "the evill payment of grit nowmeris of personis to quhome thay frist thair wynis," the Lords of Council are willing to give a reasonable ease in the matter of the payment of the new custom on wines and the times for paying the same. All "ventaris and rynnaris" of wine are therefore to be allowed in time coming fifty gallons of wine to the tun in the payment of

a 1601-2. the said new custom, and "thay salbe na forder subject in payment for the tun of wyne, bot according to the allowance foirsaid,—quhilk will extend to the sowme of tuentie pundis the tun." For the present year the said venters and runners are required to find caution that they will pay the said duty at the terms following, viz., 1st March, Whitsunday, 1st September, and 1st November next; and in all years coming, the terms are to be Candlemas, Beltane, Lammas, and Hallowmas. The venters within
ge 487. Edinburgh are to find the caution for this year's duty by 31st instant.

Edinburgh, 30th January. Act anent the price of wines.

The King and Council having ordained, "for the help and supplie of his Hienes honorable necessiteis," that his Majesty shall have 12d. for every pint of wine to be sold within this realm, licence is given to all venders to sell their wines this present year for 6s. the pint, and it is ordained that, when any price in future is set upon wines, the said sum of 12d. shall be allowed in setting of the said price.

Holyrood-house, 31st January. Decree arbitral pronounced by his Majesty between the Lindsays and the Ogilvys.

Registration of the submission and decree arbitral following:—(1) The Submission:—"This blank within contenit," subscribed by Alexander, Lord of Spynie, for himself and for his dependers, on one part, and by James, Master of Ogilvy, and Sir Johne Ogilvy of Craig, for themselves and their men, on the other, "is to be fillit" by his Majesty and such of the Council as shall be chosen arbiters, to whom both the said parties
ge 488. presently at feud submit all and sundry complaints, criminal and civil, standing between them, to be amicably settled by the King and his said Councillors. His Majesty had appointed the 27th November last for receiving the "particular clameis and greiffis" of the said parties, and promised to pronounce decree in the premisses by 23rd instant. And whatever his Highness and Council should deliver herein both parties had agreed to underlie and fulfil without appeal or contradiction. (2) Follows the Decree:—His Majesty, as "amicabill compositour" chosen by both parties, with advice of such of his Council as, with consent of both the said parties, he had selected in this matter, pronounces and declares, as to the *criminal* cause, that, having taken trial anent the circumstances of the "combat and conflict"
ge 489. which had fallen out between both parties in March last (when the Lord of Spynie was hurt and slaughter committed on both sides), the same proceeded only from "ane unhappie accident and suddantie, and not upoun foirthocht provisioun or set purpois, in respect of the narrownes and straitnes of the way be the quhilk the said Lord of Spynie and his cumpany behuiffit to pas." Yet, seeing that the Master of Ogilvy, Sir Johne, his brother, and their company were furnished with pistolets, contrary to the laws, "and that, thay haveing anis past fra the place of the Leyis, and persaving the said Lord of Spynie and his cumpany upoun the feildis, thay kaist thair cloiks fra thame and returnit bak againe to the said place," so that if any provocation had been made the same came from the Master of Ogilvy and his followers, the King declares that the Lord of Spynie and his company did nothing in that matter but what might have

happened to "ony naturall man in the just and lauchfull defence of his lyffe," and therefore decerns the said Master and his brother to pay to the treasurer the sum of £5000, conform to a decree given against them in a justice court held in the tolbooth of Edinburgh "for haveing and useing of the said unlauchfull armour and for the slauchter committit on thair syde the tyme of the said conflict." On the other hand, the Lord of Spynie is relieved of all payment of the sum of 5000 merks due by him for the slaughter committed on his side. With regard to the *civil* cause, the said Sir Johne and his daughter Jeane Ogilvy are ordained to desist from all farther occupation of the lands of Leyis, and to permit the Lord of Spynie and his tenants to possess the same in time coming, the said Sir Johne finding caution in £3000 to that effect. Also, the Lord of Spynie, for himself, and for Mr. Robert Gairdin, Robert Maxuell, and all others from whom he has acquired right to the lands of Leyis, is ordained to discharge to Sir Johne and his daughter all action of ejection, spuilyie, and violent profits raised or to be raised against them for occupation of the said lands. Lastly, both parties are decerned to "remit and forgeif utheris all slauchteris and bluidis quhilk hes bene committit betuix thame, togidder with all rancour, haitrent and malice," and to keep in future good friendship and neighbourhood as becomes kinsmen and friends, "and to chope handis and drink togidder" at such time and in such manner as shall be appointed to them. Subscribed at Halyruidhous, 31st January: "James R; A. L. Spynie; J. M. Ogilvy; Sir Johne Ogilvy of Craig; Fyvie; Secretair; Comptroller; M. T. Hamiltoun; Sir G. Home of Spott; Murray of Ganeis." Acta 1601-Page 490.

Holyrood-house, 3rd February.

Sederunt—PRESENTE REGE—Cancellarius; Mar; Glencairne; Linlithgow; Uchiltrie; Fyvie; Newbottle; Thesaurarius; Dunkeld; Ros; Halyruidhous; Clericus Justiciarie; Clericus Registri; Advocatus; Comptroller; Collector; Privy Seal; Tracquair; Spott; Elimosinarius.

Charge for assurance between the Johnstones and the Crichtons.

Order to charge Sir James Johnestoun of Dunskellie, on the one part, and Robert Dalzell, elder, of that Ilk, Robert Dalzell, younger of that Ilk, Williame Creychtoun of Liberie, Creychtoun of Craufurdstoun, Williame Creichtoun of Tounheid, Williame Creychtoun of Auchintagart, and Williame Creichtoun of Hill, on the other part, to subscribe and deliver to one another such form of assurance as shall be presented to them, within six hours after the charge, under pain of rebellion. Page 491

Act against James Wright, anent his possession of a foot-mantle belonging to the Queen.

James Wrycht, servitor to Colonel Bartilmo Balfour, having been summoned before the King and Council by Robert Stewart, master stabler to her Majesty, to answer for a footmantle of red velvet belonging to her Highness the Queen and apprehended in his possession, and the said James having alleged that it was given to him in pledge for £45 by Robert Cunynghame in the Cannogait, he is ordered to deliver the said footmantle to the said master stabler, and is to have the like summary execution against the said Cunynghame for payment of the said sum.

Acta 1601-2.

Representation by Alexander, Earl of Linlithgow, that, he having, by virtue of his Majesty's commission, apprehended Robert Bartilmo in Kirkschaw, as suspected guilty of the murder of Partik Bartilmo, his own uncle, and committed the said Robert to ward in the castle of Blaknes for trial, the said Robert, "feiring the event of his tryall," had broken his ward and escaped.—Both parties appearing, and Bartilmo having declared that he did not escape to eschew trial, but only from "feir and dredour of the haitrent and malice" of the said Earl, and because there was no person to keep him in the said castle, the King and Council order him to be committed anew to the said castle, there to remain till, upon his own supplication, he be presented before the Privy Council and order be given to the said Earl to transport him to the tolbooth of Edinburgh. The Earl of Linlithgow against Robert Bartilmo, who has escaped from Blackness Castle, where he had been warded on a charge of murder

Page 492.

Sederunt—Cancellarius; Mar; Glencairne; Fyvie; Uchiltrie; Newbottle; Thesaurarius; Kinlos; Halyruidhous; Privy Seal; Justice Clerk; Advocate; Collector; Comptroller; Clericus Registri; Spot; Elimosinarius. Holyroodhouse, 5th February.

Order, "for certane caussis," to all the officers and servants of his Majesty's household to remain with his Highness during the next two months, under pain of forfeiting their places in the household. Order to the officers of the household.

Page 493.

Complaint by Mr. Olipher Sinclair, brother of Henry Sinclair of Quhytkirk, as follows:—For his non-appearance before the King and Council to answer a complaint by the King's advocate and George Carkettle, burgess of Edinburgh, touching the ravishing and abduction of the said George's daughter, he has been put to the horn (*ante*, p. 189). He pleads that this is a wrongful proceeding, because he had not been charged either personally or at his dwelling, but, if at all, only by proclamation at the market cross of Hadingtoun,—which cannot be a lawful charge, as he resides in Edinburgh. He is not fugitive for the said crime, is ready to purge himself of the same when charged lawfully, and has found caution to answer upon 5th instant. Therefore the said horning should be suspended.—Both parties appearing, the Lords continue the matter till 10th instant. Application of Mr. Oliver Sinclair for suspension of the horning obtained against him by George Carkettle.

Sederunt—PRESENTE REGE—Cancellarius; Mar; Glencairne; Eroll; Wintoun; Linlithgow; Fleming; Uchiltrie; Fyvie; Newbottle; Roxburgh; Thesaurarius; Secretarius; Dunkeld; Ros; Blantyr; Kinlose; Halyruidhous; Justice Clerk; Privy Seal; Advocate; Comptroller; Collector; Tracquair; Clerk Register; Spott; Elimosinarius. Holyroodhouse, 10th February.

age 494.

James, Master of Paislay, being admitted to be one of the Privy Council, gives his oath *in communi forma*. Master of Paisley a Councillor.

Action by Williame Wylie and Alexander Lawsoun, writers, as follows:—In June last, they had delivered to Robert Turnebull, sheriff clerk of

To denounce the sheriff-clerk of Roxburgh for not returning letters of horning delivered to him for registration.

the shire of Roxburghe, letters of horning obtained by them against Watt Scot of Goldelandis, occupier of a part of the lands of Stow in Woddell, for non-payment to them of the feu maills thereof, assigned to them in pension. Wylie had also delivered to Turnbull another pair of letters of horning against Sir Andro Ker of Fairnyherst, principal, and Thomas Ker of Caveris, his surety, for non-payment of certain sums of money specified in their obligation. The intention had been that the said letters should be registered in the sheriff books of Roxburgh, conform to the Act of Parliament. Turnebull had received the letters in presence of James Douglas, sheriff of the said shire, and had promised to return them to complainers, duly registered, within eight days; but he still detains them, much to the skaith of the complainers.—Wylie appearing for himself and Lawsoun, Turnebull, for neither appearing nor having delivered the said letters, as charged, is to be denounced rebel. Acta 1601-2 Page 495.

Earl of Glencairn against Douglas of Craiginuie for taking and holding his place of Glencairn.

Complaint by James, Earl of Glencairne, as follows:—In the month of the year , Johnne Douglas of Craiginwy surprised and took his fortalice of Glencairne; and he kept the same "stuffit with men, wictuell, and armour, as ane hous of weir," against his Majesty's authority, and committed, while in possession, divers reifs upon the tenants of the barony of Glencairne. The house having been afterwards recovered out of his hands, Douglas had sent his brother, who had of new surprised the place, and detained it for a time, committing the like reifs upon the said tenants. Douglas is encouraged "to commit thir insolenceis" by reason of the complainer's non-residence in that country to defend his tenants.—The Earl and Douglas appearing personally, and the latter having confessed that he had entered the said house and remained in it eight days, but declared that he had done so "be licence and tollerance of the keiparis thairof," and that he had been "constrainit" to do so "for feir of his lyf, in respect of the feid standing betuix the Douglassis and the Johnstonis for the tyme," and also denied that he had been privy to the re-taking of the said place by his brother, the Lords, in respect of the said confession, order him to be committed to ward in the tolbooth of Edinburgh. Page 496.

Act for repaying to the Earl of Mar the expenses incurred by him as ambassador to England.

His Majesty having directed Johnne, Earl of Mar, as his ambassador to England, "for certane wechtie effairis concerning his Hienes and his estait," the said Earl has not only undertaken that office, "bot, for a forder testimonie of his love and affectioun towardis his Majestie, and of his cair to advance and furder his Hienes service, he hes, be his awin moyane and credit, lifted grit sowmes of money for making of his chairges and expenssis, and thairby hes relevit his Hienes of present advancement and furnesing for that erand." The King and Council, being resolved that the Earl shall be repaid, declare that, if no other means of doing so be found by the day of next, his Majesty may dispone to the Earl so much of the next year's annuity from England as shall satisfy the said charges, notwithstanding any Act of the Prviy Council to the contrary.[1]

[1] "Upon Wedinsday, the 18th of Februar, the Erle of Marr, and Mr. Eduard Bruce, Abbot of Kinlosse, went to England in ambassadge, to see that nothing be done

Acta 1601-2.

Complaint by Alexander, Master of Elphingstoun, treasurer, and James Bowar, merchant, burgess of Edinburgh, as follows:—Although it is ordained by an Act of Council (*ante*, p. 102), ratified in Parliament and published, that any one attacking another with weapons, within one mile of the King's residence, shall be warded for year and day, and further till he

Page 497.

compones for his liberty, yet, upon 5th instant,—his Majesty then residing in Halyruidhous,—the said Bowar, while coming from Leith to Edinburgh, had been waylaid by James Broun in Leith, who, with a drawn sword, "maist cruellie invaidit and persewit him of his lyf," and would have slain him if he had not been stayed by persons present.—The complainers appearing, Broun, for failing to appear, is to be denounced rebel.

To denounce James Brown for an assault committed within a mile of Holyrood-house.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Angus; Erroll; Cassillis; Mar; Glencairne; Wintoun; Linlithgow; Fleming; Uchiltrie; Fyvie; Newbottle; Roxburgh; Treasurer; Secretary; Ros; Dunkeld; Blantyr; Halyruidhous; Master of Paislay; Advocate; Privy Seal; Justice Clerk; Collector; Comptroller; Clerk of Register; Tracquair; Spott; Sir Robert Melvill; Elimosinarius.

Holyrood-house, 13th February.[1]

"Forsameikle as dyvers evill disposed personis hes takin occasioun, by this lait impoist layed upoun the grit waistrie of wyne drukin in tavernis be a nowmer of commoun artisans and rascall multitud, quha micht justlie be dischairgit and forbiddin of sic superfluitie, to informe the hairtis of his Hienes guid subjectis that the preparative thairof careit with it ane example to lay the lyk burding upoun all kynd of viveris, victuell, horse, nolt, scheip, and utheris thingis bred within this cuntrie, quhairupoun the cuntrie people mon be sustenit: quhilkis untrew reportis, sa maliciouslie

Page 498.

and sclanderouslie gevin furth, comeing to his Majesteis earis, his Hienes, for satisfactioun of his guid subjectis, hes thocht meit heirby to resolve and assuir thame of the contrarie, and to signifie and declair that, as his Hienes hes ever bene cairfull of the welth and weill of his subjectis be restraining of sic thingis as ar unproffitable, and to mak thingis necessar to be in abundance, sua his Majesteis intentioun in lifting of this impoist wes especiallie to scare drunkardis fra the abuse of wyne, and, gif thay

Proclamation against mis-construction of the recent impost laid on wine for the prevention of waste and drunkenness.

in [the English] Parliament prejudiciall to the King and his right of successioun to [the English] crowne" (Calderwood, vi. 102). It was an important embassy, on the subject on which James was more eager than ever now that Queen Elizabeth was becoming aged and weak. The letters of credence are dated on the very day of the present entry, Feb. 10, 1601. Of the special origin of the embassy Spotswood writes as follows (p. 463):—"The Earl of Essex, who had been a long time in speciall favour with the Queen, and was then upon some displeasure kept from the Court, not enduring to be thrust down (as he complained) by his adversaries into a private life, did resolve to make his way unto the Queen by force, to seise upon her person, and remove from her company those he judged to be his adversaries. But, the purpose failing, he was taken himself, and committed to the Tower. A little before, he had written letters to the King [King James], full of respect, informing that they who had the managing of all affairs under the Queen were inclining to the Infanta of Spain, and advising him to send ambassadors into England, and urge the declaration of his title of succession."

[1] In the Book of Sederunts (Fol. 25, a) under date Haliruidhous, 12th February, a space is left blank, apparently for recording a sederunt, with the word "Conventio" on the margin.

will spend superflououslie, that it may bring some advantag to his Majestie,—quhilk his Majestie may do lauchfullie, seing, as he and his Previe Counsall hes power to restraine the hamebringing of the wyne, sua may thay als lauchfullie tak ane impoist and dewitie of the same. And his Majestie wes never of intentioun to lay ony impoist or burdyne upoun ony necesser thingis bred within the cuntrey, bot to mak the same frelie to be coft, used, and sauld with als grit libertie and immunitie as ever thay wer at ony tyme heirtofoir, his Majestie nawayis douting bot that deutefull and loving subjectis will forbear to geif care or credit to sic malicious and untrew calumneis, and that thay will nawayis misconstrue his Hienes guid meaning and loving intentioun anent the restraining of sic extraordiner drunkynnes as hes bred sa mony inconvenientis in this land in tyme bigane. And ordanis publicatioun to be maid heirof at the mercat croce of Edinburgh and uther places neidfull." Acta 1601-2

Order to members of the King's household not to reset or abet malefactors: Oath to be taken from all the household to that effect.

Considering that the "commoun abuse and corruptioun in the reseting, fortefeing, and maintening of notorious malefactouris, fugitives, and personis gilty of maist haynous and detestable crymes, be noblemen and all utheris rankis and degreis of personis ouer all the pairtis of this realme," has now "cropin in his Majesteis court, and amang his awin proper gentlemen and domesticque servantis, quhairof some, without regaird of his Majesteis honour, thair dewitie and allegeance to his Hienes, or the sclanderous reportis of the people that followis thairupoun, ar sa impudent as not onlie to impasch his Majestie with the speiking in favouris of the saidis vyle malefactouris, giltie of treasoun, horrible murthoris, and slauchteris, ravesing of wemen, and sic execrable crymes, bot spairis not to resset, supplie, schaw favour, have intelligence, keip metingis, and intercommone with [? them on] all occasionis, to his Majesteis dishonour and sclander," his Majesty, for remedy, "ordanis and commandis his Hienes grit chalmerlane and maisteris of houshold to convene his Majesteis haill gentilmen of his chalmer of all rankis and degreis, togidder with the rest of his Majesteis gentilmen and domesticque servandis, and tak everie ane of thame solemlie sworne be thair grit aith" not hereafter to reset or intercommune Page 499. with such fugitives and malefactors, or with Jesuits, excommunicated papists, or seminary priests, or to speak to his Majesty in favour of such, but to endeavour to "trap, tak, and apprehend" them, and bring them to his Highness for punishment. If they "chance accidentlie to meit" with such offenders where they may not be able to "tak or put hand in thame," they are to signify the same immediately to his Majesty, that he may direct some of his own forces for the apprehensioun of the criminals. There is to be certification to all the King's household that, if his Majesty be "acquentit with thair sleuth, quersicht, or negligence heiranent in ony point," they shall be "comptit as mensworne, and immediatlie be deposit fra thair placeis and service, and sic utheris as salbe the dilataris of thame for that oversicht, being of the lyk rank and degree of gentilmen or noblemen with thame, and foundin of guid fame, meit, and worthie, salbe placit in thair rowmes and service."

ta 1601–2.

Although Jesuits and seminary priests have been found "to be maist pernitious pestis in this commoneweill," and several Acts of Parliament have been passed against resetting them, yet, Mr. Johne Hammiltoun Mr. Robert Abercrumby, and Mr. Johne [?Edmund] Hay, who are avowed ennemeis to Godis treuth," and denounced rebels for that cause, are resetted and kept by a number of undutiful subjects,—"heichlie to his Hienes offence and displesour and manifest violatioun of the saidis Actis of Parliament" (see *ante* p. 171 and footnote). Proclamation is therefore ordered at the market cross of Edinburgh, declaring that whoever shall apprehend the said persons in the houses of their resetters and present them before his Majesty shall have one half of the escheat and penalty of the resetter.

Reward offered for the apprehension of Mr. John Hamilton, and other Jesuits.

ge 500.

Complaint by Robert Grahame in Quhytcastell, servitor to James Hammiltoun of Libertoun, that, upon 9th January last, Williame Todrig in Faula, and Patrik Todrig, his brother, came to the pursuer's lands of Wodcastell, where he was "gangand at his pleuch," and there unmercifully set upon him and wounded him in divers parts of his body, broke his plough, "cuttit the cheittis thairof," and barbarously houghed his oxen.—The pursuer appearing, the defenders, for not appearing, are to be denounced rebels.

To denounce William and Patrick Todrig for not answering to a charge of assault.

Representation by Alexander, Master of Elphingstoun, treasurer, that, notwithstanding the many laws and Acts of Parliament against using hagbuts and pistolets, Williame Greir of Lag, Johnne Greirsoun in Lonikfurd, Johne Greirsoun of Bargaltoun, and Gilbert Greirsoun, called the "tailyeour," upon day of , "wer furneist with pistolettis" and used them in the "persute and invasioun" of Thomas Kirkpatrik of Closburne and his friends.—The Treasurer appearing, the defenders, for not appearing, are to be denounced rebels.

To denounce Grierson of Lag and others for not answering to a charge of illegal use of firearms.

ge 501.

Supplication by Thomas Vernour of Auchindony, as follows:—The bridges upon the water of North Esk and Glencors, called Auchindony brigs, being the only direct passages between Edinburgh and the south, "ar ruinous and almaist alredie decayit and fallin doun," so that, unless they are repaired, "puir travellaris, cadgeris, and utheris passingeris resort-and to the saidis brigis wilbe forcit, to thair girt skaith, to pas thrie or four myllis about." On this account, the Lairds of Craigmiller, Pennycuik, and Halthorneden, the bailie of the barony of Glencorse and Castellaw, and the whole of the ministers of the presbytery of Peiblis, have agreed that petitioner shall be commissioner for the repair of the said bridges. He petitions for such a commission accordingly.—To this effect

Act authorizing a toll on Auchindinny bridges for the repairing of the same.

ge 502.

the King and Council give the petitioner power for two years to uplift the following duties, to be employed for the said repair: viz., for every horseman passing by the said bridges 2d., every footman 1d., every cow or ox 2d., every ten sheep 4d., every cart 2s., and every horse with a pack 8d. Petitioner has found caution for his application of the said dues.

"It is thocht meit that, of the haill nowmer of the ordiner gentilmen of

Holyrood-house, 14th February.

Regulations concerning the King's chamber, and the gentlemen in attendance.

his Majesteis chalmer, thair salbe four residentis everie quarter, according to the particular divisioun to be quarterlie maid be the Lord Chalmerlane, and the haill noblemen haveing place in the chalmer [? are] to have acces quhen thay pleis to wait on; and that thair be na ma bedis in the chalmer bot tua; and that the gentillmen in service sall not depairt during thair quarter without licence of his Majestie or the Lord Chalmerlane; and, giff the necessitie of thair depairting salbe offerit, that than befoir thair depairtour thay enter ane uther, being of the ordinar nowmer, to supplie his service; and that the gentilmen in quarter attend and await upoun his Majestie diligentlie on horse and fut as the occasioun presentis, quhairever his Majestie sall resort or repair; and that ane of the four gentilmen in quarter keip the cabinat dur, and the dur that enteris to hir Majesteis chalmer, at sic tymes quhen his Majestie is in the cabinat; and that he suffer nane to follow his Majestie in the cabinat, bot ane or tua of the ordinar nowmer, without a speciall directioun of his Majestie or Chalmerlane. Acta 160

It is alsua thocht meit, for eschewing of the confusit nowmer of personis of all rankis quha hes entres in his Majesteis bed chalmer, that the entrie to his Majesteis chalmer salbe throw the hall in the foir werk of the palice, and that nane have entres in the chalmer of presence bot Noblemen and Maisteris and the Lordis of his Previe Counsall, and that nane presume to enter in the cabinat quhill he be callit for be his Majestie.

Item, that the haill gentilmen and officeris of his Majesteis house await upoun thair officeis weill horsit and in guid equippage, everie ane in thair awin quarteris, and that thay be not absent nor remove during the tyme of thair service without leif askit and gevin, and that thay place ane uther ordinair in that same service to supplie thair absence." Page 503.

Edinburgh, 16th February.

Act anent the fees of the officers of the King's household.

"The Lordis of Secret Counsall, for eschewing of confusioun and setling of ane constant ordour in his Majesteis hous, and to the effect the officiaris of the hous may be assuirit of payment of thair feis in tyme comeing, statutis and ordanis that thair salbe ane allowance of fie to sa mony officiaris and ordinar domesticquis in the hous allanerlie as had feis allowit to thame afoir his Majesteis passing to Denmark, and that according to the ordour of the house and particular allowance appointit for everie persone at that tyme. And, to the effect the particular nowmer of the officiaris, with thair ordinarie feis allowit to thame, may be knawin, ordanis and commandis the Clerk of Register to extract and draw furth the ordour of the house sett doun afoir the tyme foirsaid, with the particular fie appointit for everie persone, to the effect the same ordour may be yit followit and the feis accordinglie payit and na utherwyse."

Holyrood-house, 17th February.

Sederunt—Cancellarius; Glencairne; Uchiltrie; Newbottle; Fyvie; Roxburgh; Maister of Paislay; Ros; Dunkeld; Blantyre; Kinlos; Thesaurer; Secretary; Advocate; Justice Clerk; Privy Seal; Comptroller; Collector; Tracquair; Spott; Sir Robert Melvill; Elimosinar.

1601-2. Complaint by Ludovick, Duke of Lennox, sheriff principal of the shire of Edinburgh, as follows:—By the privilege of his sheriffship, the taking and trial of thieves and malefactors within the bounds of his office appertains to him. Now, in January last, , who had been apprehended beside Pilrig as a thief, had been brought to the tolbooth of Leith and there detained four days. Complainer's deputes, hearing what had happened, had desired George Todrig, bailie of Edinburgh, and Johne Creichtoun, bailie of Leith, to deliver the said thief to them; which the said bailies not only refused to do, but "boistit and schoirit his saidis deputtis, causit ring the commone bell of Leith, stryk thair drum, and convenit the haill inhabitantis in the toun of Leith in armes to have persewit his saidis deputtis of thair lyves; and then, on thair pretendit maner, thay pat the said theif to ane assyse and causit execute him."—Todrig had been charged to answer; and now, the pursuer appearing by Harie Stewart of Craigiehall, sheriff-depute of the said shire, and Todrig being also present, and it having been represented by Todrig that there had been no interference with the Duke's rights in the taking and trial of the said thief, because he had been "tane with a fang" within the bounds of the freedom of Edinburgh, and the said sheriff-depute having replied that the said bailies had not put the thief to trial within 24 hours after his apprehension, and that therefore their jurisdiction of justiciary had expired before they dealt with him, the Lords, in respect the thief was taken "reid hand and with a fang," assoilzie the defender simpliciter.

Duke of Lennox, as Sheriff of Edinburgh, against the magistrates of Edinburgh, for encroaching on the privilege of his office.

e 504.

e 505. Complaint by Jeane Lindsay, widow of Johne Redik of Dalbatie, James Redik, their son, James Lindsay of Fairgirth, elder, James Lindsay of Fairgirth, younger, and Robert Redik of Barnehowrie, curators to the said son, and by Johne Weir, messenger, as follows:—Johne Redik, now of Dalbatie, Alexander Maxuell of Butilmainis, Leonard Redik in the town of Ur, Johne Reddik, called Johnne's Leonard, at the Brigend of Dalbatie, and Johne Gordoun of Airdis, with their accomplices, had, after the decease of the late Johne Reddk of Dalbatie (which took place upon 5th May 1599), broken up his charter chest in the dwelling house of Johne Gordoun of Airdis, and wrongously intromitted with all the writs and evidents belonging to the said Jeane Lindsay and James Reddik, her son; and as yet they withhold the same from the said complainers, who have raised an action thereon before the Lords of Session. Again, in October 1599, the said Johne Reddik of Dalbatie and Leonard Redik in Ur spuilyied furth of the said Jeane Lindsay's roum of Little Ritherne a drawing ox worth £20; and in May last the said Johne Reddik, Leonard Redik, and Leonard Redik at the Brigend of Dalbatie, with convocation of the lieges to the number of six persons, armed with guns, pistolets, swords, whingers, and other weapons, came to the mill of Dalbatie, her property, and there put violent hands in her while she was receiving the multures of corns ground at the said mill, "tuk the multour furth of hir lap, kaist hir downe to the ground, ejectit and schot hir out of the said mylne, brak up hir multour ark, and tuik

To denounce John Reddick of Dalbeattie, for not answering to a charge of spuilyie, violence, and oppression.

furth thairof four bollis of schillingis,—and sua spuilyeit hir of hir possessioun, and hes intromettit with the proffeitis of the said mylne continuallie sensyne." Farther, in July last, the said persons spuilyied from her and her said son, furth of their roum of Meikle Clook, in the parish of Culven and stewartry of , four lambs, price of each 26s. 8d.; and in August they came to the said roum of Ritherne and took away from her all the "wyn hay" which grew upon the said lands in 1600, extending to "sax day workis of hay, estimat ilk dayis work to ten turse of hay and everie turse to saxtene staine wecht," price of the stone 6s. 8d. In consequence of these acts of oppression the complainers had "meanit thame" to the Lords of Session, and obtained letters charging the said persons, upon 20th and 22nd August last, to find lawborrows to them. In respect of their disobedience they had been put to the horn upon 8th September last, and the horning had been registered in the steward books of Kirkcudbrycht upon 9th September following. Yet, "in manifest contempt thairof," they came to the said Jeane Lindsay's dwelling place of Dalbatie, accompanied by the said Alexander Maxuell of Butylmanis, upon Sunday 12th October last, broke up her doors, ejected herself, and away-took the whole insight and plenishing of her house, together with her clothing and ornaments, and some gold and silver, coined and uncoined, to the value of £500 in all. In fact, for the last two years, ever since the death of her husband, the said persons have, "be way of bangastrie and oppressioun," reft the whole maills and duties of her conjunct fee, liferent, and terce lands of Barharrow and Dalbatie, and of the twelve merklands of Grange and Chapeltoun, belonging to her said son heritably. Moreover, while Johne Weir, messenger, was executing letters at the instance of said James Lindsay, younger of Fairgirth, to charge the tenants of the forenamed lands to pay to him the maills and duties thereof, conform to a decree obtained by him, the said Johne Weir had been set upon by the said persons and challenged "how he durst be sa hardy as to put thame to the horne for not finding of the said lawborrowis; and, quhen he simplie ansuerit that he did nathing bot his dewtie to execut his Majesteis letteris, and that he sould do the lyk at thair instance, quhenever thay reased ony sic letteris, and thay pleisit to imploy him, the said Johne Reddik of Dalbatie invaidit him with ane drawin quhinzear, and strak him thairwith in the heid, to the effusioun of his blud in grit quantitie."—Charge had been given to Johne Redik of Dalbatie to appear and answer; and now, James Lindsay of Fairgith appearing for himself and the other pursuers, but the said Johne Redik not appearing, the order is to denounce him rebel.

Acta 16 Page 50 Page 5

Protest in favour of Thomas MacLellan.

James M°Culloch appears as procurator for Thomas M°Clellane of Balma, and gives in a copy of the letters raised by James Lidderdaill of the Ile charging the said Thomas to appear and answer a complaint against him to the effect that, upon 14th January last, he had gone to the said Lidderdaill's lands of the Grange, where his servants were ready to yoke their ploughs, and there threatened to have their lives if they

1601-2. laboured the said lands, and violently reft the "plew irnis" from them. Lidderdaill not appearing, the said procurator protests that M'Clellane shall not be held to answer farther to the complaint till again warned; and the Lords admit the protest.

Sederunt—PRESENTE REGE—Cancellarius; Cassillis; Uchiltrie; Fyvie; Newbottle; Roxburgh; Master of Paislay; Treasurer; Secretary; Dunkeld; Ros; Blantyr; Justice Clerk; Privy Seal; Comptroller; Advocate; Tracquair; Spott; Sir Robert Melvill; Elimosinar. Holyrood-house, 19th February.

Complaint by Sir James Bellenden of Brouchtoun that, upon 10th instant, David Hammiltoun, younger of Bothuilhauch, servant to the Laird of Innerweik, accompanied by , came armed to the pursuer's tenants of the lands of Wodhouslie, while they were at their ploughs, and there compelled them to stop by threatening to have their lives if they persisted.—The pursuer appearing, the defender, for not appearing, is to be denounced rebel. To denounce David Hamilton for not appearing to answer a charge of intimidation.

Action at the instance of George Sinclair of Maii, Sandie Petre, Williame M'Culloch in Catboll, Williame Caddell there, Johne M'Inroy there, James Brebnar there, Thomas Andirsoun there, Finla M'Culteir there, and Johne Ros, as follows:—Williame Innes in Gany has obtained
509. letters of lawburrows and therewith charged complainers to find caution within a short time, under pain of rebellion, for the indemnity of him, his wife, bairns and servants,—Sincler in 3000 merks and each of the others in 500 merks. That the said letters have been granted wrongously is argued from the reasons following:—(1) The complainers have never been "offensive nor troublesome" to the said Innes (although, on the contrary, Innes has committed "sindrie wrangous tortis and oppressionis" against them, *e.g.* by withholding from the said Sinclair an oxgang of land in Midganyie, pertaining to him heritably), nor will Innes give his oath that he dreads harm of the complainers,—which ought to have been given before the execution of the said letters. (2) The letters have not been executed in conformity with the Acts of Parliament anent raising of lawburrows, inasmuch as the said Sinclair, being only a feuar and freeholder, ought to have been charged to find the said surety under the pain of 1000
510. merks at most, and the other persons, being but poor yeomen, ought not to be burdened with a greater pain of lawburrows than £40. (3) The said Innes is at the horn at the instance of the said Sinclair for not removing from the lands foresaid, maliciously detained by him from Sinclair these sundry years bygone; and, as he lies yet under the said horning, and under sundry other hornings besides, he cannot have the benefit of the law till relaxed therefrom. On all these grounds, and as the complainers have found caution conform to the said letters, they pray that the letters be suspended simpliciter.—Sinclair appearing for himself and the other pursuers, but Innes failing to appear, the Lords do suspend the letters. Suspension of letters of horning against George Sinclair of May.

Anent the question of precedence between the Earl of Caithness and the Earl of Sutherland.

The King and Council continue the deciding of the question between the Earl of Sutherland and the Earl of Caithnes "anent the prioritie and first place acclameit be ather of thame in Parliamentis, Generall Counsallis, and utherwyse" till the tenth day before the meeting of the next Parliament, whenever the same shall be held,—of which day intimation shall be made to both parties,—and ordain them to produce on that day all such evidents and writs as they shall use in that matter, with certification that, if either then fail, no writs shall be heard afterwards on his behalf. The Earl of Caithnes, who is personally present, and Alexander, Master of Elphingstoun, treasurer, who is present for the Earl of Sutherland, are warned of this continuation.[1] Acta 1 Page 5

His Majesty's declaration anent the disponing to the Laird of Urchill of the escheat of Hew Moncrieff, forfeited for his concern in the Gowrie Conspiracy.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secreit Counsall be Alexander, Maister of Elphingstoun, his Hienes thesaurar, makand mentioun that quhair, be the forme and ordour inviolablie observit in all tyme bigane, the subscryveing and componing of all signatouris concerning the office of thesaurarie pertenit properlie to the thesauraris for the tyme and sic as wer adjoyned to thame as assessouris in componing of the signatouris, and na signatour unsubscryved be thame wer sufferit to pas the seillis, nochtwithstanding, as his Hienes thesaurar is informed, thair is ane signatour of remissioun laitlie past and subscryvit be his Majestie to Hew Moncreif for the tressonable attempt committit aganis his Hienes at Perth; quhilk signatour is past the chancellarie and grit seill, and the said thesaurar never acknowlegit thairin, nor his subscriptioun craved nor socht thairunto,—quhilk being a preparative and noveltie hurtfull and prejudiciall to the libertie and privilege of his office, the example thairof may carie with it na small hurt to his Majestie heirefter, and the said thesaurar can not be answerable for the dewtifull dischairge of his office gif sic noveltie be allowit or sufferit to cum in practize and custome; humlie desyring thairfoir that the said remissioun, sa inordourlie past, mycht be callit bak and eschewit in tyme comeing,—lyk as at mair lenth is contenit in the said supplicatioun. Quhilk being red in his Hienes awin presence, his Majestie maid his awin declaratioun thairanent as follows:—to wit, that, immediatlie efter his Majesteis happie delyverie fra the tressonable conspiracie attempted aganis his Hienes at Perth upoun the fyft of August last, as his Majestie then promeist and now sensyne hes accomplischit the dew rewaird to the thrie gentilmen quha, nixt to God, wer the authoris of his Majesteis preservatioun quhen his Hienes persone wes sa cruellie persewit be that traitour Gowrie and aucht or nyne of his tressonable associattis all in armes, sua his Majestie at that same tyme promeist accordinglie to remember sic utheris of his guid servandis and subjectis as had onywyse kythit in actioun to his Page 5

[1] Among the Acts of the recent Parliament of November 1600 had been one granting a commission to the Privy Council, six Earls and Lords of their number to be necessarily present, to meet in Holyroodhouse on the 12th of February 1601, and "thair to determine and conclude anent the prioritie of the place of everie nobilman within this realme" (Acts of Parl., iv. 246). The present order had probably grown out of the proceedings of that commission.

1601-2. Hienes releif; and, in speciall, his Majestie then maid a promeis of the escheit and forfaltour of the said Hew Moncreif, ane of the saidis tressonable associatis, to his trustie servitour the Laird of Urchill, quha wes ane personall assister to his Majesteis releif at the tyme foirsaid. And, becaus the said thesaurar not onlie opponit himself aginis the accomplisching of his Hienes said promeis maid to the Laird of Urchill, bot with that had disponit the same escheit and forfaltour, by [*i.e.* without] his Hienes knawlege, to ane uther, his Majestie thairfoir, for performance of his said promeis maid to Urchill, commandit the same remissioun to be past, and the grit seill appendit thairto in maner abonewrittin.—Upon the quhilk declaratioun maid be his Majestie in presence of his Counsell, as said is, Johne, Erll of Montrois, chancellar and keipar of the grit seill, craved this present act to be extendit for his warrand."[1]

Entry of Duncan Stewart of Appin by the Earl of Argyle, with charges to the said Duncan, and to the Earl of Atholl, to enter certain other persons accused of hership in Strabrane.

Conform to the charge given to Archibald, Earl of Ergyll, Duncane Stewart of Appin, called Duncane of Lorne, has been entered by Mr. George Erskene, servant to the said Earl and procurator for him, to answer touching the reif and hership committed upon the King's tenants of Strabrane on 27th August last by certain persons alleged to be Duncane's men. The said Duncane, having been asked by his Majesty if Duncane and Johne Stewartis, sons of Donald M^{c}Inord, and Alexander and Johne Stewartis, sons of Dowgall Stewart in Athoill, committers of the said hership, were his men, has admitted these to be his men, with the exception of the first named Johne Stewart, whom he alleges not to be his man. It is answered by Sir David Murray of Gospertie, comptroller, that the said Duncane of Lorne ought to answer for the said Johne, because, the rights of the lands of Letter, wadset by the said Duncane to the late Donald Stewart, father to the said Johne, having now fallen in the said Johne's hands, and the said Duncane having accordingly become his superior of the said lands, the said Duncane is obliged by the general band to be answerable for the said Johne. The King and Council find that
13. this is the case, and therefore assign to Duncane of Lorne the 19th March next for the entry of all the four persons named, ordaining him to remain meanwhile in the burgh of Edinburgh or Sterling. The said Mr. Johne Erskein becomes surety in 2000 merks for the said Duncan's personal compearance upon 19th March to answer for his diligence.—There is also order to charge Johne, Earl of Athoill, to enter on the said day Johne Stewart, brother of James Stewart, called of Boaspik, and Allaster M^{c}Comes Stewart, who had been entered by him before, but licensed to depart on promise of their re-entry as soon as Duncane of Lorne and his men above named should be entered; and this to the effect that, all being present togetber, sure information may be had of the "speciall devysaris of the said heirship," and such order may be taken

[1] The three gentlemen mentioned in this entry as those who, "next under God, were the authors of his Majesteis preservatioun," were Sir John Ramsay, Sir Thomas Erskine, and Sir Hugh Herries. See *ante*, p. 173, footnote; and, for the concern of Hew Moncreiff on the other side in the scuffle in Gowrie House, see *ante*, p. 150, footnote.

that his Majesty's poor tenants may be redressed. The said Earl of Athole is to enter the said persons upon the said day under the pain of 20,000 merks, as by the first letters directed against him on the subject (*ante*, pp. 176, 189). Acta

Edinburgh, 24th February.

[*Sederunt*]—Cancellarius; Cassillis; Merschell; Fyvie; Uchiltrie; Newbottle; Dunkeld; Blantyr; Secretarius; Master [of] Paisley; Justice Clerk; Privy Seal; Comptroller; Clericus Registri; Advocate; Sir Robert Melvill; Elimosinarius.

To denounce John Livingstone and his three sons for not answering to a charge of deforcement and oppression.

Complaint by Dame Jeane Hammiltoun, Lady Ros, and Sir Robert Melvill of Bruntiland, her spouse, as follows:—They had sent Johne Ros, servitor to James, Lord Ros, with letters for summoning Johne Levingstoun of Braidlaw to answer for the violent profits of certain of the pursuers' lands; and, while the said messenger was executing his office at the dwelling house of Braidlaw, David Levingstoun, son of the said Johne, hearing in his father's house of the said execution, immediately "in a grit rage and furie" came furth of the said house, pursued him for his slaughter, struck him with a baton, and left him for dead; after which the said David, returning to his father's house, had been resetted there. Farther, the said Johne Levingstoun, and Johne, his son and apparent heir, and the said David and Andro, also his sons, oppress the complainer's tenants in the possession of their lands of Prestoun, into which they have "violentlie intrusit thameselfis."—The pursuer appearing, the said Johne Levingstoun and his said three sons, for not appearing, are to be denounced rebels. Page

To denounce Andrew Meldrum and others for not answering to a charge of assault and violent possession.

Complaint by Alexander Elphingstoun, son of Alexander, Master of Elphingstoun, treasurer, and donator of the escheat and liferent of Andro Meldrum, as follows:—Upon 11th January last, Andro Meldrum, second son of the said Andro, accompanied by a son of the late Thomas Meldrum of Bray, and by a son of Thomas Meldrum, sometime of Commalynis, George Forbes, son of Henrie Forbes in Fiddes, and others, to the number of ten persons, all armed with hagbuts and pistolets, came to the lands of Drumbrek, now pertaining in liferent to the complainer, and "maliciouslie strak and dang" Alexander Gordoun, his servant, took him as prisoner, and held him for hours, and at the same time surprised the place of Drumbrek, removed his servants furth thereof, and fortified the same as "ane hous of weir." Farther, the said Andro has "struckin up the duris" of Williame King, one of the tenants of Drumbrek, and reft from him ten bolls of bear, and also certain meal from Duncane Gray. He still keeps the said house, "exercesing all kynd of crueltie, reif and oppressioun upoun the puir tennentis, laboraris of the ground," whom he has compelled to leave the place for fear of their lives.—The pursuer appearing, all the said defenders, for not appearing, are to be denounced rebels. Page

Charge for mutual assurances between

A "variance" having lately fallen out between Sir Johne Gordoun of Lochinvar, Sir Robert Gordoun of Glen, his son and apparent heir,

a 1601-2. e 516. Williame Gordoun of Craichlaw, and Craufurd of Cars, on the one part, and Sir Johne Vaus of Longcastell, on the other part, there is order to charge both parties to subscribe and deliver to one another, within six hours after the charge, under pain of rebellion, such form of mutual assurance as shall be presented to them, to endure till 1st January 1602. Gordon of Lochinvar and Vaus of Barnbarroch.

Sederunt—Cancellarius; Cassillis; Uchiltrie; Fyvie; Newbottle; Master [of] Paislay; Blantyr; Ros; Halyruidhous; Justice Clerk; Advocate; Comptroller; Clerk of Register; Privy Seal; Sir Robert Melvill; Elimosinarius. Edinburgh, 26th February.

The King and Council, "willing that the ordinar tyme of Lentrone salbe preceislie keipit this present yeir, and that the panis contenit in the Actis of Parliament maid aganis the contravenaris thairof salbe seveirlie upliftit without favour," ordain letters to charge all the lieges by open proclamation not to eat or prepare for eating any kind of flesh from 1st March next till 12th April following, "being Pasche day," under the pains in the said Acts, with order to the magistrates of Edinburgh and all other burghs to make diligent search for offenders and ward them for trial. Proclamation against eating flesh during Lent.

e 517. There being a "variance" between Sir Robert Crychtoun of Cluny, on the one part, and Innes of Innermerky, Meldrum, son of the late Mr. Williame Meldrum of Montcoffer, Meldrum of Drumbrek, George and Andro, his sons, Meldrum of Iden, and Meldrum of Badinscot, on the other part, order is given to charge both parties to subscribe and deliver, within six hours after the charge, under pain of rebellion, such form of mutual assurances as shall be presented to them, to endure till 1st January 1602. Charge for mutual assurance between Crichton of Cluny and certain Meldrums.

Sederunt—PRESENTE REGE—Cancellarius; Newbottle; Blantyre; Secretarius; Master of Paislay; Dunkeld; Ros; Privy Seal; Justice Clerk; Comptroller; Advocate; Clerk of Register; Sir Robert Melvill; Elimosinar. Holyroodhouse, 3rd March.

Archibald, Earl of Ergyle, being admitted to be one of the Privy Council, gives his oath *in communi forma*. Earl of Argyle a Councillor.

The King and Council having "tane grit panis and travellis thir dyvers yeirs bigane for reduceing of the wicked and unhappie race of the Clan Gregour, quha sa lang hes continewit in bluid, thift, reif and oppressioun," at last Allaster M°Gregour of Glenstra, chief of that Clan, "wes moved to cum in and to mak ane offer of the entrie of thrie plegeis quarterlie for the guid reull and obedience of himselff and all sic as, be the law and his awin bandis, he is answerable for. And, tua onlie of the saidis pleiges being enterit for the first quarter, and his Majestie expecting a constant continewance of the said Allaster in his promeisit obedience, notwithstanding, it is of treuth that he, following the pervers counsale and inclinatioun of his wickit and misreulit Clan, hes failyeit in the entrie of Commission of lieutenancy to the Earl of Argyle against the Clan Gregor.

his plegeis for the second quarter, and is thairfoir ordourlie denuncit and registrat at the horne, and hes remanit thairat this lang tyme bigane, as he dois yit unrelaxt: intending thairby, as appeiris, to oursie and wink at the insolenceis and attemptis of the disorderit thevis and lymmaris for quhome he aucht to ansuer." Therefore, his Majesty, "being cairfull to have the saidis insolent lymmeris repressit and reducit to obedience, and his Majesteis guid subjectis redressit of thair skaithis," and acknowledging the "guid inclinatioun" of Archibald, Earl of Ergyle, to justice and to do the King's service, appoints him his lieutenant and justice in that quarter, giving him full power to direct precepts in his own name "for chargeing of the haill personis of the name of M^cGregour, severallie or togidder, to compeir befoir him quhen and quhairever he sall appoint, als weill for randering of thair obedience and making of suirtie for thair guid behaviour as for redres of complenaris and underlying of the lawis, under the pane of horning,—the disobeyaris to denunce to the horne, and efter thair said denunciatioun to prosequte thame as fugitives and outlawis with fyre and suord, and to burne thair houssis, and to follow and persew thame quhairever thay sall flie for eschewing of apprehensioun, and to asseig all houssis and strenthis quhilkis thay sall tak for thair saifgaird, rais fyr and use all force and ingyne quhilk can be had" for capture thereof and apprehension of the said fugitives in the same; also, to charge their masters and landlords to enter them before him, conform to the general band. The said Earl is likewise authorized to hold lieutenant and justice courts for the trial of the said Clan as often as he shall think expedient, and generally to do all other things necessary for the execution of this commission. And, "becaus the resset and comfort quhilk fugitives and lymmeris sa frequentlie gettis amang thair freindis and acquentance is not onlie ane encouragement to thame to continew in thair evill doingis, bot alsua ane grit hinder to the ordinar cours of justice," it is ordained that, if any person shall reset any of the said Clan, their wives, bairns or gear, after their being denounced rebels and intimation thereof at the market cross of the shire, then their resetter shall be held guilty of all their bygone and future offences. Farther, in order that the execution of this commission shall be in nowise frustrated, his Majesty, in presence of his Council, promises to grant no pardon to any of the said Clan while this commission lasts, but to remit them and their suits to the said lieutenant. For the better execution of the commission, there is order to charge the lieges in Athoill, Lennox, Menteith, Stratherne, Ergyle, and Tarbert to assist the lieutenant in the pursuit of the Clan Gregour within the said bounds, whenever warned to this effect, under pain of horning. Lastly, this commission shall receive execution for redress of complainers from August 1596, and shall endure for one year after the date thereof, and farther till discharged by his Majesty.

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Act against the reset by landlords of the Clan Gregor

The frequent stouths and depredations committed by the Clan Gregour upon the peaceable subjects of the in-country having moved his Majesty to grant a commission of lieutenancy against that Clan to the Earl of

cta 1601-2. Ergyle, and the King and Council understanding that it is a "commone custome and policie amangis the saidis thevis and lymmaris to put thair guidis and geir in keiping amang thair freindis and acquentance in the incuntrey at sic tymes as be his Majesteis authoritie thay ar persewit,—quhilk encourages thame at everie occasioun to brek louse and tak the hillis, and to sorne, herry and oppres his Hienes guide subjectis, heichlie to his Majesteis offence and contempt, foistering the saidis thevis in thair thevisch doingis, and frustrating his guid subjectis of the redres quhilk, be ordour of law, mycht be gottin of the saidis thevis and geir gif sic unlauchfull hurding and keiping of thair guidis and geir wer refusit and denyit to thame,"—there is order to charge their masters and landlords and all other lieges by open proclamation not to reset any of the goods of persons of the said Clan who shall not render due obedience to the said lieutenant, or to buy any of their goods, under pain of being held as art and part with them in their thievish and wicked deeds.

of goods belonging to fugitives of the Clan.

ige 520.

age 584. Complaint by Nathaniell Keith, son of Williame Keith of Ludquharne, as follows:—He has been put to the horn for not subscribing an assurance to Mr. Alexander Cheyne, brother of Patrik Cheyne of Essilmont, and George Ramsay, son of Robert Ramsay, apparent of Wyliecleuch. Now, he was never personally charged to subscribe the assurance, nor was it presented to him; and, if there was any intimation of the charge it was by open proclamation at the market cross of Aberdene, and at the dwelling place of Ludquharne, from which place he was then 40 miles distant. But, by the very words of the letters of horning against him, he is ordained "onlie to subscryve sic ane assuirance as sould be presentit and offerit to him be the officer executour of the saidis letters,—quhilkis wordis importis a personall chairge with a personall officer and presenting of the said assuirance." At the same time, he has subscribed an assurance to the said persons and has found caution for observing the same inviolate. Wherefore the said letters of horning should be suspended. —The pursuer appearing, but not the defenders, the Lords do suspend the said letters.

Suspension of horning against Nathaniel Keith.

age 520. *Sederunt*—Cancellarius; Uchiltrie; Thesaurarius; Secretarius; Episcopus Rossensis; Computorum Rotulator; Collector; Clericus Justiciarie; Spott; Advocatus; Clericus Registri; Sir Robert Melvill; Elimosinarius.

Edinburgh, 5th March.

Complaint by Carnegy of Kynnaird, Robert Durie of that Ilk, Williame Bruce of Erlishall, Master Johne Leirmonth of Balcomy, Williame Mertoun, fiar of Cambo, David Balfour of Balledmonth, James Elphingstoun of Innerdovet, Johne Hay, portioner of Sandfurd, David Nairne of Sandfurd, Alexander Crychtoun of Wauchtane, Mr. Johne Aitoun of Kynnadie, Andro Wod of Strawithie, Patrik Dudingstoun of Kincaple, Mungo Murray of Dummork, Gawin Weymis of Unthank, James Hay of Kingask, Mairtene Corstorphene of Balcaithlie, Robert

Parishioners of Leuchars and other Fifeshire parishes against the Magistrates of St. Andrews in the matter of the measure of the firlot.

Horsburgh, James Young, Thomas Schives, Thomas Horsburgh, Mr. Alexander Jerdane and Williame Donaldsoun, portioners of Byrhillis and Polduff, James Monypenny of Pitmellie, for themselves and their tenants in the parishes of Leucharis, Forgoun, Sanct Androis, and , as follows:—The provost and bailies of Sanct Androis having, in 1560, without any lawful warrant, raised their firlot and peck "mair nor ever it wes befoir, ane peck of every boll," and with that "haveing brunt and seillit with thair town merk four small firlottis quhilkis wer les ane peck nor the uther firlot foirsaid,—constraning thairby the saidis complenaris to sell thair victuell to thame with the first firlot, quhilk wes augmentit ane peck of the boll, and to ressave the said compleneris fermes fra thair tennentis with the uther firlot, quhilk is ane peck les of the boll, to thair grit hurt and prejudice,"—the complainers, on representation to the King and Council, had, upon 4th May 1579, obtained decree against the said magistrates ordaining them to destroy the said firlots and not to use them in time coming till Parliament should pass a general order "anent measouris universallie within this realme" (*see* vol. iii. p. 151). Accordingly, the then magistrates conformed themselves to the said decree, and the complainers and their tenants "interteneit a commoun tread within the said citie in transporting and selling of thair victuell in thair mercat; and the saidis complenaris continewit in love, freindschip and guid nychtbourheid, ilk ane with utheris, to the grit weill of the said citie and thair awin particular advantage; and thair wes na novatioun reased nor used aganis the saidis complenaris sensyne quhill, within this yeir and ane half or thairby, that the provost, bailyeis and counsall of Sanct Androis and thair customaris" have again, without lawful warrant, augmented the said firlot "ane peck and ane quarter mair of the boll nor the said auld firlot," and more than the "measour of metis" appointed by Act of Parliament in 1587 (c. 136, iii. pp. 521–522); "with the quhilk unjust and unlauchfull measour and firlot thay have constraned the saidis compleneris to gif furth thair cornes in thair mercattis this yeir and ane half bygane." Farther, they have also other firlots, some greater and some smaller, and "useis the same in thair mercattis according to the moyane of the pairtie haveing ado thairwith,"—to the great hurt of complainers and in violation of the said Act of Parliament.—Charge had been given to Williame Leirmonth, apparent of Darsie, provost, Mr. David Russell, Mr. Williame Cok, and Patrik Guthrie, bailies, Johne Murray, customer, of the said city, and Arthour Mylne, maker and outgiver of the said firlots, to appear and answer; and now, James Hay of Kingask appearing for himself and the other pursuers, and the said Mr. Williame Cok appearing for the defenders, the Lords ordain the defenders to destroy all the measures which are not according to the said Act of Parliament within fifteen days hereof, and not to use the same again, under the pains contained in the laws against the users of false and different measures, and also ordain letters of horning to be directed by the defenders against the magistrates of Linlythgow, to whom the standard of the firlot has been

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Acta 1601-2. Page 523.

committed of old, charging them to deliver to the defenders a new firlot of the standard specified in the last Act of his Majesty's eleventh Parliament (iii. p. 521).

Act authorizing the exaction of a "toust" by Mr. William Scot, for building and repairing the harbour of Elie.

The Lords of Council, having considered the signature given in by Mr. Williame Scot of Elye, containing power to him and his successors in the lands and harboury of Elye to uplift the following "towst and dewtie" on merchandise and goods in ships and vessels arriving in the said port and harboury, to be employed in building and upholding the haven, shore, and bulwark thereof,—viz., 2s. for each "tun of birth" of all vessels unladened entering the said haven; 2s. for each ton of goods entering therein; 2s. for each ton of goods at the out-passing; 12d. for each ton of freight at entry, and 12d. at the out-passing, of vessels coming from Norway and other places ladened with timber; for every hundred "geistis" and every hundred "rauchtairis," one; for every hundred "corbellis" and every hundred "wanescottis," one; for every hundred "daillis," one; for every chalder of victual sold within the said port, 16d. from the merchant and 8d. from the skipper,—find that, for the "weill of the cuntrie and suirtie of his Hienes lieges," the said harboury should be built and upheld, and that this cannot possibly be done otherwise than by the order set down in the said signature. Accordingly, they authorize the said Mr. William to uplift the said impost, and, in token thereof, pass and expede the said signature.

Thomas Allaston against Alexander Blair and others for acts of violence and oppression: Decree for the defenders.

Page 524.

Complaint by Thomas Allastoun of Lochtoun, as follows:—He has long been oppressed by Alexander Blair of Freirtoun, Patrik Blair in Freirtoun, David Blair in Scone, Alexander Blair of Bagray, Patrik Blair in Lethindie, Johne Young there, and Gilbert Young there. Upon 7th September 1599, while he was "at his awin harvest feild," the said persons, by the causing of Alexander Blair of Bagray and Alexander Blair of Freirtoun, came to him, and would have slain him if he had not fled to the house of Johne Allastoun in Scone. That same night they came to his house of Lochtoun, armed with spears, halberts and swords, lay about the house all night to have slain him and his bairns if they had come forth, but, as they came not out, went to his fold and "callit out his haill scheip upoun his awin corne, and held thame thairon quhill they eittit and destroyit ane grit quantitie of his cornes." Next day, at four o'clock in the afternoon—"haveing thair spyis awaiting on the said complenar"—they came to his harvest-field on horse and foot and chased him to his own house; which they besieged all that day and night, "preissing violentlie to have broken up his yettis," and calling out for fire, of set purpose to burn the house and all persons therein. The following night, being Sunday, they lay about the house a long time "awaiting upoun him and his sones outcomeing"; and at last they brought the whole bestial of Lethindie and set them on complainer's bear and oats, then stooked, thereby destroying 50 thraves oats and 40 thraves bear. Farther, upon Wednesday thereafter, 13th September, they came to the Close of Scone at night "and convoyit furth his saidis guidis, being put therein for

suirtie, and callit thame in a sched of outfeild aitis," holding them there till 70 thraves thereof were destroyed. Still farther, in November following, they waylaid Robert Allastoun, son of the complainer, and wounded him in the head with a whinger. Continually since, they avow to have the lives of the pursuer and his bairns.—Both parties appearing, the Lords assoilzie the defender from all points of the action, because pursuer, after having produced divers witnesses, has failed to prove his allegations. Acta 1601-2. Page 525.

To denounce the Earl of Moray for disobeying the King's request for his appearance.

James, Earl of Murray, having "disdainefullie disobeyit" his Majesty's letter requesting him to repair to him "for sic occasionis as his Majestie had to acquent him with at his comeing," the Lords of Secret Council ordain letters to be directed to denounce him rebel, and also ordain the "outgevin of the saidis letteris to be superseidit quhill the knawlege of his Hienes awin will and plesour thairanent."

To denounce James Innes and William Scattertie for not appearing to answer a charge of forgery.

Complaint by Williame, Earl of Mortoun, sheriff wardatar of Banff, as follows:—In an action raised before him and his deputes by Johne Wrycht in Langus against James Innes of Culvie, for the delivery of an acquittance made by Robert Innes of that Ilk in favour of the said Johne, anent the payment of a sum of money for the teindis of Thorax, the said James Innes, perceiving that decree would be pronounced against him, "maist unhonestlie forgeit" a copy of an advocation, as alleged to have been passed by the Lords of Council and Session, and with this caused Williame Scattertie, his own man, to discharge complainer and his deputes of all proceedings in the said matter. "Suspecting nathing les then ony falset or craft," they had, accordingly, forbidden any further proceeding in the action. Thus, not only has the said James Innes "mockit justice and frustrat and disapointit the said Johne Wrycht of proces," but he has committed "ane manifest falset."—The pursuer appearing by James Lauder, his procurator, Innes and Scattertie, for not appearing, are to be denounced rebels. Page 526.

Entry of Robert MacCoull.

Hew Maxuell, as procurator for David Maxuell of Teling, his brother, appears and enters Robert M^{c}Coull, conform to the act of caution by the said David to that effect. He protests therefore that his brother shall be freed from the said act, and the protest is admitted.

Sir Patrick Murray admitted of the Council.

The Lords of Secret Council, by his Majesty's warrant in writing, admit Sir Patrik Murray of Ganeyis to be one of the Council; and Sir Patrick, being present, gives his oath *in communi forma*. Page 527.

Edinburgh, 9th March. Charge to Ogilvy of Powry-Ogilvy to appear before the Council.

Ogilvy of Powrie-Ogilvy, having been charged by his Majesty's direction to enter in ward in Edinburgh Castle, to answer "anent certane materis quhairof he is suspect gilty," and having, to the "misregaird of the said chairge," not only refused to enter but passed home, giving thereby farther presumption of his "guiltynes," there is an order to charge him to appear before the King and Council upon 17th instant, to answer for his disobedience, under pain of rebellion.

Acta 1601-2.

Sederunt—Cancellarius; Fyvie; Uchiltrie; Newbottle[1]; Blantyre; Dunkeld; Halyruidhous; Justice Clerk; Privy Seal; Advocate; Comptroller; Collector; Tracquair; Sir Robert Melvill; Elimosinar. Edinburgh, 10th March.

Durham of Duntarvie against Hamilton of Liberton, to answer for certain persons alleged to be his men: Decree in favour of the defender.

Complaint by Mr. James Durahme of Duntarvie, as follows:—Upon 30th October last Johne Hammiltoun, parson of Craufurdjohne, Mungo Galloway at the kirk of Crawfurdjohne, William M^{c}Math, smith, Johne Gledstanes there, Henrie Knoblok in Wattersyd, Robert Allastoun there, Williame Knoblok in the Dyk of Balgray, Archibald Williamesoun in Leverschaw, and Arthur Purdie, schoolmaster, had been put to the horn for not appearing before the King and Council to answer a complaint made by the pursuer against them for certain "oppressioun and reiffis." The said rebels are still unrelaxed, possess their houses, and live as if they
Page 528. were free subjects. They are tenants and servants of James Hammiltoun of Libertoun, and James Hammiltoun, his son and apparent heir, who are therefore answerable for them.—The pursuer and James Hammiltoun, elder of Libertoun, appearing, the Lords assoilzie simpliciter the said James, because the lands on which the said rebels dwell do not belong to him, but pertain heritably to his said son, in whose favour he had resigned the same,—which he has verified by producing the contract of marriage made between him and his said son, on the one side, and James, Earl of Glencairne, and Mistress Margaret Cunynghame, the Earl's daughter, on the other side, bearing that the said James Hammiltoun, younger, is fiar of the said lands. The Lords farther
Page 529. ordain the said James, younger, to be denounced rebel for having failed to appear.

Monypenny of Pilrig against David Duff and others for molestation: Decree for the defenders.

Complaint by Patrik Monypenny of Pilrig, as follows:—His intention having been to set "that pairt of his landis of Pilrig callit the Roundhauch" to Harie Robertsoun and Andro Alie in Leith, David Duff there came to the said persons and declared that neither they nor any other persons in Leith should occupy the said lands, and that, if they tried to do so, he would make them repent it, so that they had been obliged to desist for fear of the said David. Again, on the 2nd instant, the said David, Johne Mathesoun, and Jerome Mathesoun, his brother, sons of James Mathesoun, elder in Leyth, came to complainer's servants while they were tilling the said lands, and threatened to have their lives if they laboured the same any longer. Farther, on the same day, the said persons, or others at their instance, came to the said lands "efter the lowsing" of complainer's plough, broke the same in pieces and cast it in the water; and, immediately afterwards, the said Johne Mathesoun came to the house of Johnne Porteous, complainer's tenant, and "bad him gang now betuix the pleuch stiltis and sie how scho wald gang quhill the morne." At the same time the said David Duff "gaif injurious wordis" to the said Johne Porteous,

[1] In the corresponding sederunt, as recorded in the Book of Sederunts under this date (Fol. 26, b), "Newbottle" does not appear among the Councillors.

and "avowit to do the said Johne ane dischort and brek his heid" if he should ever say that Duff broke the plough. Since then Duff had come to complainer's tilled lands and "strampit and kaist the teillit furris downe." For all this, done so near his Majesty's own presence and place of justice, remedy is demanded.—The pursuer and defenders appearing, the Lords assoilzie the latter simpliciter, because they have declared by their "grit aith" that the accusations are not true. Acta 1601-2 Page 530.

Suspension of horning against Thomas Cumming in Fyvie.

Complaint by Thomas Cuming in Fyvie that, for his non-appearance before the Council to answer a complaint by Andro Meldrum of Rothiebirsbane, he has been "put to the horne maist wranguslie," never having been lawfully charged, either personally or at his dwelling house. As he has found caution in £40 to answer upon 10th instant, he prays that the horning may be suspended.—The pursuer appearing, but not the defender, the Lords do suspend the horning. Page 531.

Edinburgh, 12th March.

Sederunt—Cancellarius; Cassillis; Fyvie; Uchiltrie; Roxburgh; Thesaurarius; Secretarius; Blantyre; Ros; Halyruidhous; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Tracquair; Spott; Sir Robert Melvill; Sir Patrik Murray; Elimosinar.

Suspension of letters charging a number of the inhabitants of Aberdeen to find caution not to intercommune with a number of other persons at the horn in that part of the country.

Complaint by Alexander Rutherfurd, provost of Aberdene, Mr. Johne Cheyne of Pitfeychie, Mr. Patrik Cheyne, Mr. Robert Paip, Mr. Richard Irwing, Williame Lorymer, Alexander Cullane, Mr. David Rutherfurd, Patrik Forbes, Patrik Forbes, elder, Thomas Forbes, Thomas Forbes, Alexander Jaffray, Mr. Thomas Meinzeis, Williame Gray, David Knowis, Alexander Burnet, Henry Forbes, Andro King, Robert Meinzeis, Johne Gray, David Fergussoun, Thomas Fergusoun, Thomas Johnestoun of Disblair, Archibald Schives, Robert Stewart, Williame Allen, Williame Mar, Gilbert Johnestoun of Pitismeln, James Johnestoun, his brother, George Seytoun of Schethin, James Seytoun, Johne Collisoun, Mr. George Andersoun, James Leslie, Mr. Thomas Leslie, Lawrence Mersar, Johne Ray, David Craig, tailor, Gilbert Blak, Gilbert Quhyt Eduard Donaldsoun, George Richart, Johnne Arbuthnot in Carrigall, Mathow Guild, Alexander Cruikschank, Williame Craigheid, Johne Fyf, Johne Forbes of Barnis, Andro Forbes, litster, Andro Udny in Auchlune, George Knowis, and George Gray, all burgesses and inhabitants of Aberdene, as follows:—They have been lately charged by letters obtained by Alexander, Master of Elphingstoun, treasurer, to find caution in certain sums, under pain of rebellion, not to reset or intercommune with Andro Chalmer, cooper, Johne Hucheone, burgess of Aberdene, Normond Leslie, Mr. Alexander Fraser, Patrik Malice, burgess of Aberdene, George Gordoun, sometime of Creichie, Williame Meldrum of Badinscot, James Yell, parson of Rothven, Mr. Alexander Patersoun, Mr. Normond Duncane, parson of Murthlik, George Clerk in Overhill of Balhelvie, David Skene at the Mill of Pottertoun, Gilbert Skene of Overhill, Patrik Huntar, burgess of Aberdene, Page 532.

Acta 1601–2. Patrik Leslie, son of Patrik Leslie, elder, burgess of Aberdene, Walter Leslie, Johne Abernethie, and Johne Leslie, burgesses of Aberdene, Eduard Donaldsone, burgess there, Andro Lyoun, elder, in Balhelvie, Mr. David Rait, principal of the college of Old Aberdene, Thomas Robertsoun in Middilessie, Alexander Hay in Cortecrome, Gilbert Fraser in Wattertoun, Williame Forbes of Logyfintray, Mr. Robert Leslie of Auldcraig, George Leslie, his son, Johne Abernethie, sometime in Caslintoun, Mr. Alexander Gordoun, chancellor of Murray, Bartill Leslie at the mill of Dyce, Johne Arbuthnot of Carnegall, James Cheyne of Pennane, Thomas Davidsone in Aberdour, Alexander Cheyne, son of Williame Cheyne, Patrik Prat, baxter in Aberdene, Johne Banerman in Boigfairlie, James Banerman, baxter, his brother, Johne Leslie of Boquhen, George Meldrum of Drumbrek, Alexander Chalmer of Cultis, while these persons are at the horn for certain causes specified in the said letters. Now, the said letters have been obtained against the complainers only to draw them in "snairis and inconvenientis and under danger of penalteis," inasmuch as most of the above rebels are not known to the complainers, and, "some of thame being mercheantis, some craftismen, and some oistlaris," the said rebels may resort to them "for bying or making of thair wairis or for bying of meit and drink, and thay nawyse knaw thame; and it hes not bene ressaved in custome or practique that everie burges salbe constraned to try and bakspeir everie stranger that resortis to him afoir he have ony deilling or handling with him. And, gif the saidis complenaris salbe constraned to find this cautioun for the not intercommuning with sa grit a nowmer of personis, quhome the saidis complenaris nawyse knawis, [those of] the saidis complenaris quha ar mercheantis, craftismen, and oistlaris wilbe forceit outher to renunce thair handling and ordinarie trad quhairby they leif; and, failyeing thairof, the saidis complenaris salbe in
ags 533. a daylie and continuall fascherie and cummer to bakspeir everie stranger and unknawin persone that comis to the saidis complenaris afoir ever thay have ony deilling with him or afoir thay dar ansuer or speik ony word unto him. And, forder, the finding of this cautioun will import ane grit benefeit and immunitie to sindrie of the saidis rebellis; quha being addebtit to the saidis complenaris for wairis, merchandice and furnesing, the saidis compleneris dar nouther crave thame nor use ony ordinar proces aganis thame. Sua the lyk chairgeis ar used aganis [those of] the saidis complenaris [who are] majestratis, for the not intercommoning with thame; and, as his Majestie and Lordis of his Secreit Counsall knawis, it is dew to thair officeis quha ar magistratis to do justice to all pairteis complenaris within thair burgh, and to tak, apprehend, enpresoun rebellis and malefactouris; and, gif the saidis complenaris salbe compellit to find cautioun for the not intercommoning with the personis abonewritten, that wilbe the onlie meane to stay all executioun of law and justice aganis thame, and to frustrat all his Hienes subjectis of justice aganis thame within the boundis of thair office: for nather dar the saidis complenaris speik to thame, as of necessitie magistratis, in doing of justice, mon

do to all pairteis pleading befoir thame, nor yit use ony executioun aganis thame, be wairding or utherwyse, without contraventioun of the said cautioun. And, forder, the resett of rebellis is a criminall caus, and thair is Actis of Parliament maid alreddie aganis resettaris of rebellis,—quhilkis lawis aucht to stand in the force and integretie, and sould not be pervertit to sic extraordinar chairges." Wherefore, the said letters of horning should be suspended.—Alexander Rutherfurd, provost, Mr. Johne Cheyne of Pitfeychie, and George Knowis, appearing for themselves and the other complainers, and the Master of Elphingstoun being also present, the Lords do suspend the said letters. Acta 1601-

To denounce David Lighton and John Jenkin for not answering to a charge of obtaining and using an unlawful certificate of succession to a person deceased in Denmark.

Complaint by James Durhame of Duntarvie, nearest heir of the late Captain Alexander Durhame of Hunsgowre, as follows:—Although, after the decease of the said Captain, pursuer served himself as the lawful heir, David Lichtoun in Ethie had "maist craftilie, to the reproche and dishonour of his natioun," obtained a certificate from some magistrate of this country directed to the King of Denmark and his officers, declaring him to be the nearest of kin to the said Captain. With this unlawful and untrue certificate he had sent Johne Jonkene in Corstoun as procurator for him to Denmark; and so, by the use of the certificate before the Council and other inferior magistrates of Denmark, he has "recoverit" a large quantity of the said Captain's goods.—Lichtoun and Jonkene having been charged to appear and answer, and the pursuer now appearing, but not the said defenders, the order is to denounce them rebels. Page 534.

Thomas Paterson against Andrew Pringle for acts of oppression.

Complaint by Thomas Patersoun, portioner of Windielawis, and Thomas Patersone, younger, his son, as follows:—Andro Pringle, portioner there, having conceivèd "haitrent and malice" against the pursuer, very heavily troubles and oppresses him in the possession of his part of the lands and commonty of Windielawis. Thus, at Martinmas a year bygone, he "with ane fork stickit and slew" a ewe belonging to the pursuer; upon 28th February last, he gored and slew four of complainer's sheep, and with a rung broke the backs of a great number of them, and also reft 14 of them, menaced Johne Noble, complainer's herd, and almost slew him with stones. Further, in July last he came to Thomas Andro, complainer's servant, "tirvit the haill claithis of him, strak and dang him, and left him naked, and schortlie thairefter invadit and persewit the said compleneris self for his slaughter, and at that same tyme cuttit his horse tedderis gangand on his awin landis, and drave his awin horse throw his awin cornis; lyk as he held and pasturit his guidis upoun the said complenaris growand cornis this last sommer."—Both parties appearing, the Lords assoilzie the defender, because the pursuer has failed in his probation notwithstanding the production of divers witnesses; but they order the defender to find caution in 500 merks for the indemnity of the pursuer, and to be committed to ward in the Edinburgh tolbooth till he find the caution. Page 535. Page 536.

In the case of Grierson of Lag and others,

Complaint at the instance of Williame Greirsoun of Lag, Johne Greirsoun in Lonikfurd, Johne Greirsoun of Bargaltoun, and Gilbert Greirsoun, called

a 1601-2. the Tailor, as follows:—Alexander, Master of Elphingstoun, treasurer, alleging that they had illegally shot with hagbuts and pistolets, had obtained letters charging them to answer before the King and Council upon 12th February last; and, for their non-compearance, he has denounced, or intends to denounce, them rebels. Now, before the giving of the said charge Greirsoun of Lag went abroad by the King's licence; and the others had kept the said 12th February, and had "awaitit on at the Counsall hous dur during the haill tyme of the Counsall" till Archibald Douglas, macer, warned all parties in waiting that all actions were continued till Tuesday, the next Council day. The said action, however, had been called next day, being Friday, though it was not a Council day, with the result that the said letters of horning had been directed against the complainers (*ante*, p. 207). They are "innocent altogidder of that cryme"; and, having found caution to answer upon 10th March, they pray for the suspension of the
b 537. said letters.—The action had been called upon the 10th and continued to this day, the 12th; and now, the said Treasurer appearing, and the said Johne Greirsoun in Bargaltoun, and Gilbert Greirsone, called the Tailor, being also present, the Lords assoilzie the said Johne and Gilbert, because, the charge of using hagbuts and pistolets having been referred to their oath of verity, the said Johne has deponed that he had been present with the said Laird of Lag at the time libelled, and had heard pistolets shot, but neither had nor shot pistolets himself, and the said Gilbert has deponed that he was not with the said Laird at the time, and neither had nor shot any pistolets. They further ordain the letters directed against the said
538. Laird of Lag and Johne Greirsoun in Lonikfurd to be put to execution in all points, and decern Johne Chairteris of Hempisfeild, who had, by an act of caution dated 23rd February last, become surety for the said Laird in £1000, and for the said Johne in 500 merks, to the effect that they would appear upon the said 10th March, to have incurred the said penalties by the non-appearance of the said principals upon this 12th March, whereunto the matter had been continued, because it has not been verified to the said Lords that the said Laird of Lag was out of this country at the date of the said act of caution.

charged with having used fire-arms, contrary to the Acts of Parliament.

James Donaldsoun, son of Duncane Donaldsoun, appears for himself and as procurator for the said Duncane, and for Patrik, Mathow, and Williame Donaldsones, his sons, Johne Donaldsoun, Robert, Alexander, and Patrik Donaldsonis, brothers, Johne Nicolsoun, notary, Alexander Chalmer, son of Alexander Chalmer of Cultis, Thomas Quhyt, mariner, Williame Gray, late bailie of Aberdene, James Foullartoun, tailor and freeman in Aberdene, David , Williame Michell, Walter Innes, Andro Horne, Mr. Robert Chalmer, Stevin Robertsoun in Aberdene, and gives in a copy of letters raised by Williame Skene, burgess of Aberdene, and Jonet Donaldsoun, his spouse, enjoining the defenders to answer this
539. day to a charge of having assaulted the said Skene and his spouse, at the "Calsay Croft ewest the burgh of Aberdene," and invaded their servants, and stayed them from shearing their corns, "quhairthrow the same wes

Protest in favour of James Donaldson and other persons in Aberdeen

lost and tint upoun the feildis." Neither Skene nor his spouse now appearing, the said procurator protests that he and the other defenders shall not again be called till they are newly warned and their expenses paid; and the Lords admit the protest. Acta 16

Protest in favour of Robert Dunbar and others.

Robert Dumbar of Burgy appears for himself and as procurator for Mr. James Dundas, chantor of Murray, Williame Dawsoun in Newtoun of Hemprigis, Johne Dawsoun, his son and apparent heir, Alexander Dumbar, servitor to the said procurator, Nicoll Watsoun, portioner of Cawtfauld, Johne Watsoun, his son and apparent heir, and Johne Oustie in Haltoun of Kinlos, and gives in a copy of letters raised by Johne Burgie in Haltoun of Kinlos, charging defenders to answer this day to a charge of having come to the said Johne's house at five o'clock in the morning, taken him out of his bed, carried him captive to the town of Fores, and held him in the kirk there for 24 hours without food or drink "quhill he wes at the point of famisching."—Burgie not appearing, the said procurator protests that no farther proceedings shall be taken against defenders in this matter till they are again warned and their expenses paid; and the Lords admit the protest.

Holyrood-house, 17th March.

Sederunt—Cancellarius; Uchiltrie; Newbottle; Roxburgh; Thesaurarius; Blantyre; Halyruidhous; Comptroller; Spot; Sir Robert Melvill; Elimosinarius. Page 54

To denounce Ogilvy of Pourie-Ogilvy.

Mr. Johne Ogilvy of Powrie-Ogilvy, having failed to appear this day as charged to answer "anent certane materis quhairof he is suspect gilty" (*ante*, p. 220), is to be denounced rebel.

Proclamation against the said Ogilvy of Pourie-Ogilvy, as a fugitive, and a practiser against the true religion and the King's Estate.

Mr. Johne Ogilvy of Powrie-Ogilvy "being suspect and dilaitit to his Majestie to have bene a practizar and trafficquar during his absence furth of this realme aganis the trew religioun, presentlie professit and be law establischit within the same, and aganis his Hienes awin estait, quhilk is inseparablie conjoyned with the said trew religioun," and having been charged to enter his person in ward in Edinburgh Castle, and afterwards to present himself to underlie trial before the King and Council, but having, in fear of the result, disobeyed both charges, and therefore been put to the horn, there is a chance that, in order to eschew the punishment "worthie to his desertis," he may "secreitlie convoy himself furth of this realme," and thereby disappoint the discovery of his "treasonable coursis." There is accordingly to be order by proclamation (1) to skippers and mariners not to receive him in their ships or take him abroad under pain of confiscation of their ships and of all their other moveables, and punishment of their persons; (2) to the wardens of the three Marches to apprehend him if they find him within their bounds; (3) to all and sundry the lieges not to reset him, under the pains in the Acts of Parliament made against the resetters of Jesuits and trafficking papists.[1] Page 54

[1] For a great many mentions of this Ogilvy of Pourie-Ogilvy, his intrigues in Spain, in Rome, and elsewhere abroad, from 1587 onwards, in the professed character of an agent for King James with the Catholic powers, and for his secret correspondence with a

a 1601-2. The King and Council assign the 27th May next for hearing from Alexander, Master of Elphingstoun, treasurer, the accounts of all his receipts and disbursements since his last accounts, and meanwhile ordain him to furnish all their Majesties' necessities "proper and dew to be furneist be the office of thesaurarie." Holyrood-house, 18th March. Anent the Treasurer's accounts.

Sederunt—Cancellarius; Uchiltrie; Thesaurarius; Secretarius; Dunkeld; Ros; Collector; Comptroller; Spott; Bruntiland; Elimosinarius. Holyrood-house, 19th March.

The King, his Nobility and Council, having thought meet that his Majesty should lift a certain duty of all wines to be "run and ventit in
e 542. smallis within this realme," and having licensed the sellers of the wines to charge 6s. per pint so that they might be no losers by the said duty (*ante*, p. 201), many of the "speciall ventaris and rynnaris of wynis" in Edinburgh have "reverentlie" conformed to the ordinance, but others still sell their wines for 5s. per pint, for no other purpose than that, at the terms of payment of the said duty, they may allege themselves unable to pay it. To take away all such "pretens of excuse," there is to be order, by open proclamation at the market cross of Edinburgh, to all venders and runners of wines within Edinburgh and the Cannogait not to sell any of their wines this year under 6s. per pint, under pain of confiscation of the wines and of the rest of their moveables. Act for enforcing the Act fixing the minimum price of wines sold in Edinburgh and the Canongate.

Supplication by Gilbert Kennedie of Bargany for remedy in the following circumstances:—His Majesty having charged him and the Lairds of Lochinvar, elder and younger, to assure each other, he has subscribed an assurance to them, but they refuse to subscribe one to him, "purpoislie to await ane occasioun to tak thair advantag of him or sum of his within the tyme of his assurance."—The Lords provide the remedy desired by declar-
e 543. ing that the assurance by the Laird of Bargany to the Lairds of Lochinvar shall have no effect till they deliver like assurance to him. In the matter of mutual assurance between Bargany and Lochinvar.

Complaint by Alexander Jardane of Apilgirth, for himself and his tenants of the barony of Wandell, as follows:—Dame Margaret Scot, Lady Johnestoun, his mother-in-law and conjunct fiar of his said barony of Wandell, moved with "a gredie and unsatiable desyre" of the "haill rowmes" belonging to his poor tenants in the said barony, has "travellit with thame be fair meanis, policie and craft," to induce them to renounce to her their tacks of his lands, so that she may place such persons therein as he shall not be able to remove. Because the tenants would not yield to her desire, she is "sa enrageit and inflamit aganis thame that scho hes resolved indirectlie, under the pretens of law, to have thair lyffis: lyk as scho hes alreddie in the rage of hir furie causit execute as ane theif ane of his saidis puire tennentis without ane assyse or ony uther ordinar forme of tryall." And now, being informed that such proceedings cannot be Jardane of Applegirth against the Laird of Johnstone and the Parson of Crawfordjohn, for reducing commissions of Justiciary obtained by them.

number of persons, including Elizabeth's minister Sir Robert Cecil, for whom he acted as a spy, and from whom he received money, see Thorpe's *Calendar of English State Papers relating to Scotland.*

allowed by law, she has obtained a commission of justiciary against his said tenants to Sir James Johnnestoun of Dunskellie, her son,—"quhais name scho hes onlie borrowit in this mater,—and in cais that he refuis to accept the same upoun him scho hes delt and travellit with Johne Hammiltoun, parson of Craufurdjohne, quha hes ane auld commissioun grantit to him within the boundis of Cliddisdaill the tyme that he wes schiref-depute; quhilkis tua commissionis scho intendis to use aganis his saidis tennentis, and hes proclamit hir court to be haldin within the boundis of his said barony upoun the tuelf day of March instant, quhairunto scho hes causit arreist all his saidis tennentis and hes thame all under cautioun, intending with all rigour and extremitie to proceid aganis thame, and indirectlie, under pretext of a law, to cum to hir intent, quhair be fair and lauchfull meanis scho could not prevaill. Quhilkis tua commissionis can with na law nor ressone have executioun aganis his saidis tennentis, becaus it is of veritie that, albeit the said Sir James name be borrowit in the ane commissioun and that the said Johne Hammiltoun wald use his auld commissioun, yit the haill executioun thairof wilbe directit be hir, and scho hes the choise of the haill memberis of court, the cheising of the assyse and ordouring of all thingis to be done in that jugement; and in effect, albeit not directlie, yit indirectlie, scho wilbe juge and pairtie, and will not faill be hir led assyse to caus convict the said compleneris puire men, quha ar honest and trew men, and will refuis na tryall befoir ane unsuspect juge." On these grounds the said commission to Sir James Johnnestoun should be suspended simpliciter.—The pursuer appearing personally, and Sir James and his mother by Mr. Johne Johnestoun, their procurator, —who produces the commission of date 4th November last, granted to Sir James against certain persons in the barony of Wandell suspected of the crimes of theft, reset of theft, and "pykrie,"—but the said Johne Hammiltoun having failed to appear, the Lords ordain the said commission to the said Sir James to be put to execution in all points, but suspend the one granted to the parson of Craufurdjohne.

Acta 160

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Commission to John Bowsie, skipper in Anstruther, to transport David Wad of Anstruther to Bordeaux, to be tried there for art and part in the murder of a Frenchman on the high seas.

Supplication by Johne Bowsie, skipper, burgess of Anstruther, as follows:—In the month of last, while he was in the town of Burdeaux occupied in his lawful trade, there arrived in the river of Burdeaux an English ship of which David Smyth gave himself out as master and David Wad as "mett," the fathers of which persons were both burgesses of Anstruther and men of good fame. The owner of the said ship, named "[Harie] Nicolsoun of Newcastell," agreed with a Frenchman for the freight of his ship ladened with wine to Sanct Mallois; and, the said Frenchman having urged the owner to find caution for the faithful discharge of the duty, the owner had employed Smyth and Wad to ask the complainer to become surety for him. "Being moved with a favourable consideratioun of thame, in respect thay wer his cuntriemen and townis bairnis," complainer had become surety for them and for the said Englishmen, that thay should transport the said wine to Sanct Mallois, conform to the charter party made thereanent. But, the ship

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a 1601-2. having been ladened, and the Frenchman having put his own factor on board, "the said Scottis men and Inglischmen, concurring togidder in counsall and actioun," when the ship was on voyage past the river of Burdeaux, "maist cruellie and traiterouslie conspirit the death of the pure innocent factor, quha wes lyand sleipand in his bed, tuik him out of his bed, kaist him ouerbuird and drownit him, and careit the schip with hir laidning of wyne to Ireland," where they sold the same. The report of this villainy "comeing to the towne of Burdeaux," and the said two Scotsmen "being bruitit to have bene the authoris thairof, to the grit réproche of this natioun," complainer, as their cautioner, "wes immediatlie serchit and socht"; and, though, "be the providence of God," he had escaped, "yit his schip and haill guidis and geir wes intromettit with, confiscat and escheit, to his utter wrack, miserie and undoing." Having come home, and having heard that Wad was in this country, he had applied to the King and Council for letters against Wad, who had accordingly been apprehended in the town of Anstruther-bewest-the-burn, and committed to the tolbooth, where he now lies. "In the quhilk waird he, being pricked in conscience, hes, in presence of the minister, bailyeis and clerk of Anstruther, maid ane confessioun of the said murthour, as his depositioun beiris." Inasmuch as the complainer is "wrackit" by having had "his schip and guidis tane fra him for the offence of the saidis personis, quhairin he had na entres," and because "thair foull falt is ane grit reproche to all his Majesteis subjectis hanting in Burdeaux, quha ar verie far discredited and mislykit for that caus," he prays that an Act of Council e 546. be expede in his favour.—The King and Council give full power and commission to the said Johne Bowsie to transport David Wad first to Newcastell, that he may be confronted with the said Harie Nicolsoun, owner of the said ship, and then to Burdeaux, to be delivered there to the magistrates thereof. The provost and bailies of Anstruther are required, under pain of rebellion, to keep Wad in ward meanwhile, and to deliver him to complainer when he is ready to depart.

Decree against Stewart of Appin, for the non-entry of a criminal for whom he was found answerable.

Duncane Stewart of Appin, called Duncane of Lorne, appearing and presenting Duncane Stewart, son of Donald M°Innord, and Alexander and Johne Stewartis, sons of Dowgall Stewart in Athoill, protests that he has thus satisfied the act whereby Mr. George Erskene became surety for his appearance this day to answer for his diligence in the entry of the said persons, declaring further that he has been unable to e 547. apprehend Johne Stewart, son of Donald M°Inord, "in respect he is a broken man" (*ante*, p. 213).—The Lords, having considered the Act of date 19th February last, ordain the said Duncane to present the said fugitive by 24th May next, and, should he fail, then to make restitution to the following tenants of Strabrane of the goods underwritten reft from them upon 27th August last, or else pay each of the said tenants 20 merks for every nolt overhead,—viz., to James Rorie in Balnadik in Strabrane, 24 head of nolt; to Duncane Grasych in Kirktoun of Logyallochy, 17 head of nolt; to Gillimachara Robertsoun in Mekill

Logy, 12 head of nolt; to Thomas Stewart there, 9 head of nolt; to Issobell Stevinsoun there, 6 head of nolt; to Johne M°Conilreoch, 7 head of nolt; to James Hereis of Wodend, 2 head of nolt; and to Johne Crombie in Mekill Logy, one nolt. Duncane is to find caution to that effect and to be committed to ward in Edinburgh Castle till it is found, having his relief against the stealers and resetters of the said goods. Acta 160

Holyrood-house, 24th March.

Sederunt—Chancellor; Uchiltrie; Neubottle; Treasurer; Comptroller; Dunkeld; Collector; Blantyr; Clerk of Register; Sir Robert Melvill; Sir Patrik Murray. Sederunt Fol. 26,

[No record of proceedings.]

Holyrood-house, 26th March.

Charge to the Laird of Johnstone to subscribe, without addition or exception, an assurance to the Maxwells.

The King having lately commanded assurances to be passed between Sir James Johnestoun of Dunskellie and certain gentlemen of the name of Maxuell, and the said Laird of Johnestoun having, "to the offens and contempt of his Majestie," altered the said assurance, by reserving furth thereof one Maxuell who has given assurance to him, thus giving "occasioun of brek of the haill assurances," charge is to be given to the said Laird to subscribe, within six hours after charge, under pain of rebellion, such form of assurances as shall be presented to him, with strict order to him to "eik nathing thairunto, nor insert na exceptioun nor reservatioun thairintill." There is order also to Harbert Maxuell of Cavens to subscribe the assurance to be presented to him, under the same penalty. Acta, p. Page 548

Holyrood-house, 28th March.

Sederunt—Cancellarius; Uchiltrie; Newbottle; Thesaurarius; Secretarius; Blantyr; Dunkeld; Ros; Halyruidhous; Advocate; Collector; Comptroller; Spott; Clericus Registri.[1]

Allowance to the tacksmen of customs in respect of the damage done them by "restraint of woll and claith."

Sir David Murray of Gospertie, comptroller, on the one part, and Mr. Jerhome Lindsay, Archibald Prymrois, Barnard Lindsay, and George Smailhome, for themselves and the remaining tacksmen of the customs, on the other part, appearing and submitting to the Lords of Council the question "anent the lossis and damnage sustenit be the saids taxmen throw the restraint of woll and claith be the lait Act of the Conventioun of the Estaitis [Acts of Par., 1597 iv. p. 119], and quhat salbe allowit and defeasit to thame for that caus be the said comptroller in the yeirlie payment addebtit be thame for the saidis customes," the Lords ordain the comptroller to allow them £7000 yearly in the payment of the duty owing by them for the said customs, counting from the day of the proclamation of the said restraint. Page 549

Holyrood-house, 2nd April.

Sederunt—PRESENTE REGE—Roxburgh; Dunkeld; Ros; Clerk of Register; Sir Robert Melvill; Sir Patrick Murray.

Complaint by Mr. Thomas Hammiltoun of Drumcairne, King's advocate,

[1] This sederunt, as recorded in the Book of Sederunts (Fol. 27, a), is marked "extraordiner."

a 1601-2. that James Blak in Kirklistoun, his tenant for several years in a part of the lands of Humbie, has, without any lawful warning, left the said lands "ley and unlauborit," and, though not minded to pay any duty therefor, will not suffer the pursuer's tenants and servants to labour the same, but daily threatens to hough the oxen and horses that may be employed in tilling the said lands.—The pursuer appearing by James Winrhame, his servant, the defender, for not appearing, is to be denounced rebel. To denounce James Black for not answering to a charge of molestation.

"Forsameikill as it is understand to the Kingis Majestie that sindrie Jesuittis, seminarie preistis, and trafficquing papistis, avowed ennemeis to Godis treuth and all Christeane governament, ar daylie creping within this cuntrie, of purpois and intentioun be thair godles practizes not onlie to disturb the estait of the trew religioun, bot alsua his Hienes awin estait and the commone quyetnes of the realme: for preventing and disapointing of quhais wicked plattis and practizes and establisching of solide remedeis aganis the same, and for ordour to be tane anent the planting of the kirkis of Edinburgh, his Majestie, with avyse of the Commissionaris of the Generall Assemblie, efter mature avyse and deliberatioun, hes thocht meit and concludit that the ordinar tyme of the Generall Assemblie salbe preventit, and that the same salbe haldin and begun in the citie of Sanct Androis upoun the secund Tuysday of Maii nix to cum; and thairfoir ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme, quhairthrow nane pretend ignorance of the same, and to wairne all provinciall assembleis and presbitereis to direct thair commissionaris, with thair power according to the commone forme, to ressone, voite, treate and conclud in the premissis, and in sic uther thingis as sal happin to be proponit in that Assemblie for the weill of the Kirk, with intimatioun as effeiris." Act for proclaiming a General Assembly of the Kirk to meet at St. Andrews in anticipation of the ordinary time.

e 550.

Sederunt—Cancellarius; Ros; Collector; Advocatus; Clericus Registri; Sir Patrik Murray. Holyrood-house, 3rd April.

runts, 27, a. Mr. Petir Young's absence from the Council excused till 31st May next, conform to a warrant subscribed by his Majesty. Mr. Peter Young.

, p. 550. The King, having directed Sir Michaell Balfour of Burley, one of his masters of household, with Robert Lundie of Newhall, and James Lowrie, burgess of Edinburgh, to proceed to France and other places beyond sea, "in certane effairis concerning his Majestie and the commone wele of this realme, and als in sindrie his Majesteis particular effairis and serviceis," and being unwilling that they should be prejudiced in any of their actions and causes during their absence, hereby supersedes, with advice of his Council, all actions raised or to be raised against them before any judge, till their return within this realm and for 14 days afterwards, provided always that, if it be found that Lundie and Lowrie depart for their own affairs, and not in the service of Balfour, then this act shall have no force in their favour. Act in favour of Balfour of Burlie, appointed envoy for the King to France and to other foreign countries.

551.

To denounce the Master of Ogilvy for not appearing and entering two of his servants.

Charge having been given to James, Master of Ogilvy, to appear personally this day, and to enter Johne Ogilvy, called Reid Johne, his servant, and David , his "rinnar boy," to answer touching the breaking up of the gates of the place of Bonnytoun and taking away thence certain writs and moveables, and the said Master having neither appeared nor presented the said persons, the order is to denounce him rebel. Acta 1601

Act for an impost on goods imported or exported at Anstruther-Easter, the proceeds to be applied in repairing the harbour thereof.

The King and Council, understanding that "the bulwark, peir, schoir and heaven of the burgh of Anstruther-be-east-the-burne is, be occasioun of tempestuous wedder, inundatioun of fluidis, vehement stormes, grit streames and hie springis, now become ruinous and decayit, and the small remanent of bulwark schaikin lous, quhilk wes of befoir weill and substantiouslie biggit be the grit chairgis and expenssis of the inhabitantis of the said burgh for the tyme, fer abone thair commoun rentis and habilitie, not onlie for the singular weill and commoditie of thame-selffis, bot of all utheris his Hienes lieges, alsueill friemen as utheris within this realme, as likwyse to all uther strangeris of quhatsomevir natioun resorting with thair guidis, laidning and schipis," licence is given to the town council of Anstruther-Easter to uplift the towst and taxation following for the next five years, to be used by the treasurer of the said burgh for the repair of the said harbour: viz., of every last of herring, 5s.; of every tun of wine, 5s.; of every chalder of salt, 2s.; of every last of "takle," 5s.; of every last of lint, 5s.; of every last of hemp, 3s.; of every last of "ulie," 6s. 8d.; of every chalder of victual passing out of the country, 6s. 8d., ditto remaining in the country, 32d.; of every last of "pick or tar," 3s.; every 1000 salt fish, 6s. 8d.; every 1000 dry fish, 4s.; of every hundred pieces of all kind of timber, one, or the value thereof. There is to be charge to all the lieges, and to strangers of whatever nation, resorting to the said port and haven, to pay to the said bailies and their collectors the duties foresaid, with a request to the Lords of Council and Session to grant letters of horning at the instance of the said provost and bailies for payment of the said impost. The bailies and council are, however, to find caution for the employment of the money collected in the repair of the said harbour; and, in case the harbour be not built and repaired by the expiry of this privilege, they are to refund to his Majesty the sums to be uplifted by them by virtue of this Act. Page 552. Page 553.

Holyrood-house, 5th April. Caution for William Gray.

Caution in £1000 by Robert Gray, son of Patrik, Lord Gray, for William Gray of Inchesture, his brother, that he will answer when required touching the breaking up of the place of Bonytoun, and resetting of the evidents taken furth thereof by James Wod, fiar of Bonytoun, and his accomplices, in March last (see *supra*),—the said Williame promising to deliver to Johne, Earl of Montrois, chancellor, within the burgh of Montrois, upon 15th instant, the whole of the said writs delivered to him by the said Wode, "haill in thame selff."

Holyrood, 8th April.

Alexander, Master of Elphingstoun, treasurer, promises that , his

Acta 1601-2. eldest son, shall pass by 11th instant to the city of Sanct Androis and shall keep ward there till freed by his Majesty. Warding of the Treasurer's son.

In presence of Johne, Earl of Montrois, chancellor, and Peter, Bishop of Dunkeld, commissioners for receiving the writs underwritten, appears William Gray of Inchesture and exhibits before them two sacks containing a great number of evidents and letters concerning the living of Bonytoun, and declares by his great oath that the whole writs and letters delivered to him by James Wode, fiar of Bonnytoun, are extant in the said sacks in the same state as they had been received, not cancelled nor vitiated, and that none of them had been abstracted. The contents of the said sacks Gray delivers without inventory to the said Earl, and thereupon protests that he had satisfied all that was enjoined to him in that matter. Johne Carnegy, appearing as procurator for Patrik Wod of Bonytoun, protests that this delivery shall not prejudge him in any action competent to him against the said Williame Gray or any others for any of his writs. The said Earl puts the whole writs abovewritten in a locked chest and delivers the same for keeping to the bailies of Monrois.[1] Page 554. Montrose, 15th April. Act anent the delivery of the Bonnyton title-deeds.

"Forsameikill as, albeit the Kingis Majestie hes ever had a speciall cair and regaird to repres and punisch the grit enormiteis and maisterfull oppressionis quhairwith his Hienes guid subjectis ar distressit and grevit ouer all the pairtis of this realme, yit, pairtlie be the troubles and iniquitie of the tyme past, and be the abuse and corruptioun quhilk commonlie followis in justice airis with the ouersicht and negligence of the inferiour officiaris to quhais chairge the punisching of sic offencis appertenit, the samyne hes had a forder course and progres within this realme nor his Majestie wald have luiked for, and with that his Majestie hes laitlie foundin and tryit, be the executioun quhilk his Majestie causit laitlie use within the boundis of Stratharne, that the hoip of impunitie and pardoun to be grantit be his Majestie to offendaris hes movit the pairteis offendit and grevit to conceill thair complaintis fra his Majestie; and sua, be ane sinister misconstrewing and misinterpreting of his Majesteis sinceir and upricht meaning and of his Hienes naturall inclinatioun and dispositioun Dalkeith, 24th April. Proclamation for the better administration of justice.

[1] This and the two preceding entries receive some elucidation from the following extract from Calderwood (vi. 102–103):—"In the beginning of Marche (1601) masse was said in Edinburgh, in Andrew Naper's hous, in Helene Sempill's chamber, at sindrie tymes, by Mr. Alexander Mackquhirrie. There were present at the masse the Maister of Elphinstoun's soune, Mr. William Barclay, a newmade advocat, Helene Sempill, excommunicated, Charles Burdeux's wife, the young Laird of Bonytoun, the Laird of Latoun, and sindrie others whose names were not knowne. A little before this tyme, the said young Laird of Bonytoun and Laird of Latoun, with their complices, in the same moneth of Marche, brake up the old Laird of Bonytoun's hous in Angus, and tooke away all the evidences and other plenishing belonging to old Bonytoun, father to the said Bonytoun younger, and, within five or six dayes after, resorted opinly to Edinburgh, and were at the masse foresaid. Bonytoun younger and Latoun were apprehended, putt in waird, presented to an inqueist, and accused criminallie for the said thift allanerlie; were convicted thereof, and consequentlie of treasoun, and the doome givin out upon them to be executed."

to justice, and to abhore and detest vice in all degreis and rankis of persons, malefactouris and offendaris hes bene ouersene and eschaiped thair dew punischment, and his guid subjectis ar still distressit and grevit, heichlie to his Hienes offence and displesur: the consideratioun quhairof hes movit his Majestie to tak purpois in his awin persone to hald hand to the dew executioun of justice aganis malefactouris and maisterfull oppressouris in sic pairtis and boundis of the cuntrie as his Majestie sal happin to repair in; and for this purpois his Hienes hes alreddie begun in the tryall and dew punischment of a manifest thift and rubrie committit within the saidis boundis of Stratharne laitlie, quhen the pairteis offendit refuisit to complene or persew justice, and that dyvers respectis mycht have moved his Hienes to have piteit and pardonit some of the speciallis of that fellowschip; like as his Hienes intendis with the like force of justice and without respect of personis or partialitie to use the like examplair punischement and justice to all personis quha, be word, wryte or uther informatioun, will acquent his Majestie with thair grevis and complaintis. And, for this effect, his Majestie sall remaine within the boundis of Lowtheane quhill the aucht day of Maii nixt to cum, and thairefter in Fiffe, Angus, and sic uther pairtis and places of the cuntrie as his Majestie sal have occasioun to repair to (quhairof his Majesteis subjectis in thay pairtis salbe advertisit be new proclamatioun), and salbe reddie to ressave and heir the complaintis and informationis of his distressit subjectis, and sua sall hald hand to the dew ordour-taking with thair complaintis as nane sal have just caus or occasioun to complene. And thairfoir ordanis letters to be direct to officeris of armes, chairgeing thame to pas to the mercat croce of Edinburgh and be oppin proclamatioun mak publicatioun of the premissis, quhairthrow nane pretend ignorance of the same, and to wairne all his Majesteis subjectis within the boundis of Loutheane quha ar distressit or grevit be stouth or violent reif of thair geir, or be oppin and maisterfull oppressioun, to acquent his Majestie or ony of his Counsall, be word, wret, or ony uther privat informatioun, with the particularis of thair complaint betuix and the said day, and thay sal have justice ministrat unto thame without partialitie or respect of personis, as said is, and na favour, freindschip nor moyane sall releif the personis complenit upoun of thair dew punischment, seing his Majestie acknawlegeis that the doing and ministring of justice is the speciall grund quhairupoun his Hienes croun standis and dependis." Acta 1601-2 Page 555.

Act changing the place of meeting of the Council from Linlithgow to Dalkeith.

His Majesty having appointed a meeting of his Council to be held at Linlithgow upon 30th instant, but having now made choice of the place of Dalkeith for his residence while "remaining in thir bounds," and finding the same more meet for the convening of the Council, because "a nowmer of the personis writtin for duellis ewest the said place," and because those others who reside in Edinburgh may every night return to their own houses, there is order to proclaim the change at the market crosses of Edinburgh and Linlithgow. Page 556.

Acta 1601–2.

Sederunt—PRESENTE REGE—Cancellarius; Mortoun; Wyntoun; Newbottle; Thesaurarius; Dunkeld; Ros; Justice Clerk; Comptroller; Collector; Advocat; Clerk of Register; Tracquair; Spott. Dalkeith, 30th April.[1]

Act banishing Malcolm Laing and Henry Gibson, servants of the Marquis of Huntly, for having heard mass in Edinburgh.

Malcome Layng and Henrie Gibsone, servants to George, Marquis of Huntlie, having confessed, in presence of the King and Council, that they were present at the hearing of mass in sundry places, including the "lait messe" in Edinburgh (*ante*, p. 233, footnote),—a "cryme offensive to God and sclanderous to the trew religioun," and an indignity to his Majesty and violation of the Acts of Parliament,—there is order to command them to go abroad within 40 days of the charge and not to return within the realm under pain of death, unless, "be satisfactioun of the Kirk," they obtain the King's licence. There is command also to their master to remove them from his service, under pain of rebellion.

Order to the Marchioness of Huntly to dismiss two of her women for having attended mass.

Page 557.

Margaret Wod and Barclay, servants to Henreit, "Marquesse" of Huntlie, having confessed that they were present at the late mass in Edinburgh (*ante*, p. 233, footnote), there is order to charge their said mistress and the Earl of Huntlie, her spouse, to remove them from their service within six days after the charge, under pain of rebellion.

Elspeth Hamilton against James Somerville, for surprising and violently holding her place of Spittal.

Complaint by Elspeth Hammiltoun, relict of Williame Somervell of Spittell, and James Douglas, apparent of Wellis, now her spouse, for his interest, as follows:—Upon the 6th instant, when they had gone furth of their fortalice of Spittell, pertaining to the said Elspeth in conjunct fee, to certain of their roums and steadings, for labouring and sowing the same, James Sommervell, brother of the late Williame Sommervell of Spittell, accompanied by certain "evill disposed" persons, violently surprised the said place, intruded themselves therein, and expelled the complainers' servants, intending to hold the said tower as "ane weir house" and to debar complainers from possessing it.—The pursuer appearing, but not

[1] "Upon Moonday the 27th of Aprile, the Laird of Bonytoun [younger] was beheaded at the croce of Edinburgh, betwixt six and seven in the morning, by a commissioun from the King, directed to the bailliffes of Edinburgh tymouslie in the morning; for, howbeit great intercessioun was made by Huntlie, Erroll, Hume, and others, yitt the ministers were instant with the King to have a proofe of his sinceritie. He died an obstinat Papist, ever looking for pardoun till the last gaspe. He pretended he suffered for the Catholick Roman Religioun, but it was no point of his dittay. Onlie the stealing of his father's evidences and writts was layed to his charge. Latoun gott remissioun by the moyen of courteours" (Calderwood vi. 104–105). See *ante*, p. 233, footnote.—Calderwood continues:—"Upon the same Moonday, at six houres at even, an officer of Edinburgh, named Archibald Cornwall, was hanged upon a gibbet at the croce of Edinburgh. At the rowping of some poynded geare at the croce of Edinburgh, finding a brod wheron was the King's picture, and standing hard beside the gibbet, undiscreitlie and rashlie [he] was driving in a naile in the gibbet, to hing up the brod, as was reported. But, being admonished by some of the people standing by, he ceassed and hanged it not up. Alwayes, upon the said presumptioun, he was putt in waird in the jayle. The King, being informed, caused examine certane witnesses; and therafter he was putt to an assize, convicted, and condemned to be hanged, and to hang twentie foure houres, with a paper on his forehead; which was done, and therafter the gibbet was taikin doun and burned with fire."—For the proceedings in the cases of the younger Wood of Boningtoun and the town's officer Cornwall, see Pitcairn's *Criminal Trials*, ii. 340–352.

the defender, the latter is to deliver the said place to the officer executing the charge within six hours after being required, under pain of rebellion. Acta 1601-2

Ramsay of Cockpen against Hamilton of Preston for molestation of him in possession of a coal-heugh.

Complaint by Nicoll Ramsay of Cockpen that, having been entered in the escheat and liferent of the late George Ramsay, his brother, especially in the coalheugh which pertained to his said brother in tack, he is "hevilie troublit" in the possession of the coalheugh by George Hammiltoun of Prestoun, who daily molests his colliers in winning the coals thereof, so that for fear of their lives they dare not labour the said coalheugh. "And, althocht the said complenar may guidlie resist the said George Hammiltoun of Prestoun, yit, for the reverence he beiris to his Majesteis authoritie and lawis, he will seik the ordiner course of justice."—Both parties appearing, the King and Council remit the matter for decision to the Lords of Council and Session. Page 558.

Edinburgh, 1st May.

Sederunt—Cancellarius; Neubottle; Thesaurarius; Collector; Comptroller; Spott; Clerk of Register. Sederunts Fol. 27, a.

[No record of proceedings.]

Dalkeith, 8th May. Order anent false coins found in quarries beside the Canongate.

As there is a "certaine quantitie of fals cunyie laitlie foundin in the querrel hollis besyd the Cannogait, quhilkis, being sufferit to be put out in exchange, may brede na small hurt and inconvenient to the commonweill," proclamation is ordered at the market cross of Edinburgh inhibiting the lieges from any farther searching for money in the said quarries, and charging those who have found any of the said coins to bring the same to the Chancellor or Treasurer to be destroyed, within 48 hours after publication hereof, under pain of being punished as forgers and outputters of false and adulterated money. Acta, p. 558 Page 559.

Edinburgh, 19th May.[1]

Sederunt—Cancellarius; Thesaurarius; Dunkeld; Ros; Privie Seal; Collector; Clericus Registri.

As Mr. Gilbert Broun, sometime Abbot of Newabbay,—who, besides

[1] Between this date and that of last entry, viz., on the 12th of May 1601, another General Assembly of the Kirk had met. The place was not St. Andrews, as by the Act of the King of 2nd April last calling the Assembly (*ante*, p. 231), but Burntisland,—chosen as more convenient for the King, who had hurt his shoulder by a fall in hunting. For the proceedings of the Assembly see *Booke of the Universall Kirk*, pp. 490–500, Spotswood, pp. 463–465; and Calderwood, vi. 105–125.—On the whole, matters went amicably enough in this Assembly between the King and the Clergy. The only real difference between them was on the subject of arrangements for the church and ministry in Edinburgh. Of the five Edinburgh ministers who had been suspended by the King and removed from Edinburgh for their incredulity in the matter of the Gowrie Conspiracy (*ante*, p. 148), only one had fulfilled the conditions of pardon in so satisfactory a manner as to have been permitted to return to his charge. This was Mr. John Hall (*ante*, p. 166). He was not only present in this Burntisland Assembly, but, having been chosen to be its moderator, he had to preside over the debate respecting his fellow-culprits. One of these, indeed, Mr. Robert Bruce, was in banishment (*ante*, p. 161), as perseveringly intractable; and the question practically concerned the other three,—Mr.

Acta 1601-2.

being an avowed papist and "trafficquar and practizer aganis the estait," is "suspect to be ane usar of magick and uther unlauchfull sciences, condamnit be the lawis of God,"—is publicly resetted, not only by the lower people but also by persons of rank, so that "he hes not bene idill in seduceing and persuading of his Hienes said subjectis to schaik of all dew obedience to his Majestie and to imbrace his erronious doctrine and tressonable opinionis and courses," proclamation is ordered at the market cross of Edinburgh and other places needful, declaring that, if any will reveal to the King, or to any of his Council or domestic servants, or to any of his ministers, where the said Mr. Gilbert has been resetted or shall be resetted, not only shall the names of such informers be kept secret if so they desire, but they shall receive one half of the pains and unlaw which may fall by the said reset,—with certification to all who reset or entertain the said Mr. Gilbert that the pains contained in the laws shall be executed against them.

Offer of rewar for information respecting the reset of Mr. Gilbert Brown, an excommunicated Papist.

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Complaint by Thomas Dischingtoun, Williame Simsoun, and Williame Foullar, bailies of Pittinweme, and by the other inhabitants of the said burgh, as follows:—Conform to the charge given to them at the instance of John Strang, elder of Balcaskie, to apprehend David Strang, burgess of the said burgh, and Katherene Chrystie, his spouse, rebels, and to detain them in captivity till they should be tried for certain crimes, they had searched for the said David, but could not find him. They had, however, apprehended the said Katherene and put her in ward in their tolbooth, ordaining certain of their officers to remain therein for her better custody.

To denounce David Strang and others for not appearing to answer a charge of ward-breaking and deforcement.

Page 561.

But, at midnight, upon the second night of her warding, which was 22nd April last, her said spouse, rebel, accompanied by Peter and David

Walter Balcanquhal, Mr. William Watson, and Mr. James Balfour. Though they had nominally, like Mr. Hall, made their submission to the King, they had not adequately kept the terms of recantation imposed upon them (*ante*, pp. 159, 162); and the King consequently was bent on securing their permanent removal from Edinburgh by the sentence of the Kirk itself. By a majority of 55 votes to 28 the Burntisland Assembly agreed to gratify the King in this, and passed an Act transporting the three from their Edinburgh charges to such charges in other parts of the country as should be designated by the Commissioners to be appointed by the Assembly, the same Commissioners to have power to fill up the vacant Edinburgh charges.—Another matter which occupied the Assembly much, but in which there was no controversy between the King and the Clergy whatever, but every appearance of hearty co-operation, was the necessity of measures for repressing the activity of Jesuits and Roman Catholic religionists generally in Scotland, and the manifest increase of Roman Catholicism among the Scots themselves.—The most memorable thing now, however, about the Burntisland Assembly is that it broached and discussed the subject of a new and improved translation of the Scriptures and a new metrical version of the Psalms. "His Majesty," says Spotswood of this design, "did urge it earnestly, and with many reasons did persuade the undertaking of the work, shewing the necessity and the profit of it, and what a glory the performing thereof should bring to this Church: speaking of the necessity, he did mention sundry escapes [errors] in the common translation, and made it seem that he was no less conversant in the Scriptures than they whose profession it was; and, when he came to speak of the Psalmes, did recite whole verses of the same, shewing both the faults of the meeter and the discrepance from the text. It was the joy of all that were present to hear it, and bred not little admiration in the whole Assembly; who, approving the motion, did recommend the translation to such of the brethren as were most skill'd in the languages, and revising of the Psalmes particularly to Mr. Robert Pont." Little was done in the matter after all; and the great design remained to be carried out by his Majesty in England.

Strangis, his sons, Thomas Strang, son of the Laird of Balcaskie, Andro Kinyow, and Johne Watsoun, with others, all armed with jacks, steel-bonnets, pistolets, hagbuts, long "Jedwart stalffis," and other weapons, came to the said tolbooth, and treasonably broke up the doors thereof, laid the said officers in the stocks, and carried the said Katherene furth thereof.—Another complaint by the same pursuers is that, as they were "in reparatioun of thair bulwark, leist the samyne fell doun and decayit," and when they had, in conformity with custom, "wairnit be sound of thair commone drum and bell all the inhabitantis within the said burgh to repair to the samyne commoun work for helping," , burgess there, had wrongously absented himself, and that, when the complainers had sent their officers to poind him for his disobedience, he "maist proudlie and contemptuouslie" deforced the officers, and would not suffer himself to be "correctit nor poindit for the said offence." The said Thomas Dischingtoun, bailie, "having then enterit in maist quyet and gentill maner, reproving him for his disobedience and contempt, he then maist proudly and dispitefullie, having castin af all dewtifull obedience and reverence quhilk he aucht to beir to his Hienes magistratis and officiaris, tuik in his hand ane grit aik trie, being the boitstaik of his boit, and offerit maist barbarouslie to stryk the said Thomas thairwith, wer not he wes hinderit be uther guid nychtbouris, quha hapnit to be present, and injurit the said Thomas with certane uther dispitfull and opprobrious calumneis, defying him and all the bailyeis of the said burgh,"—Dischingtoun appearing for pursuers, but David Strang, Peter Strang, Andro Kinyow, Thomas Strang, and Johne Watsoun not appearing as charged, are to be denounced rebels. Acta 1601-2 Page 562.

To denounce Menzies of Weem for not having produced Donald Menzies, one of his men, accused of theft.

Complaint by James Hering of Morgounstoun and James Hering in Middle Clochquhat, as follows:—Although by Act of Parliament those who intercommune with thieves within 48 hours before or after their crime may be cited criminally or civilly as art or part (1567 c. 27 iii. p. 31–2), yet Williame Chalmer of Nether Clochquhat, who resides within half a mile of the pursuers, has these two years past been secretly resetting thieves and limmers in his house of Nether Clochquhat, affording them convenience and encouragement in stealing the goods of the pursuers and of other good neighbours. Thus, upon 26th September last, the said William Chalmer resetted "and trystit" Donald Meinzeis, with other four persons, all thieves, and, after giving them meat and silver, sent them to the house of the said James Hering in Middle Clocquhat, to spuilyie him. "For feir that sum freindis sould have stoppit him," the said Meinzeis on this occasion "careit not to performe his purpois, bot tuik meit and depairtit," though "at his away-comeing he reft a double plaid fra Williame Scot, the said James his nychtbour." Afterwards, the said Meinzeis had admitted that Chalmer promised to cause his sons to help him to steal the said James Hering's three horses, of which one had "ane ringbane." Accordingly, upon 4th November last, Meinzeis with his accomplices had come, at 10 o'clock at night, to the house of Chalmer,

Acta 1601-2. who had caused James Chalmer, his son, "ryse and kendle ane fyre and provyde meit for thame, and maid thair bedis in his eister barne, quhair thay remanit quhill the morne efter thair denner"; after which, "not finding thair pray reddie as wes appointit," they had "depairtit for that tyme." But, upon 7th November last, they again came at night to the said easter Page 563. barn, and were again received there by the said James Chalmer; who, having "spyit and found the tyme proper," did then, with Andro Chalmer, his brother, and the said Donald and his accomplices, come to the said James Hering's byre in Clochquhatt, and, as they were unable to find the said horses, took away four drawing oxen, worth £100. At the same time they came to Wester Drum, and stole from James Hering of Morgounstoun two black mares and a young horse, worth in all £200; after which they "callit the cattell and horssis altogidder with thame ouer the watter of Erich," the cattle having previously "remanit in the said Williames wod quhill the saidis horse ouertuik thame." On this occasion the said James Hering in Middle Clochquhat "instantlie followit thame and saw thame, and anis turnit the hors"; but, "becaus he wes him allane without armour, and of the mirknes of the nycht, he behuiffit to leave thame and seik help in the cuntrie, and in the meantyme thay passed away throw Atholl to the Rainoch."—Charge had been given to Alexander Menzies of Weyme, as master and cautioner of the said Donald, to produce him; and now, the pursuer appearing personally, but the said Alexander Menzeis of Weyme neither appearing nor having produced the said Donald, conform to the charge given to him, the order is to denounce the said Laird of Weyme rebel.

To denounce Patrick Johnstone for not answering to a charge of assault on Sir John Lindsay in the high street of Edinburgh.

Complaint by Sir Johne Lindsay of Wodheid, as follows:—On a Sunday in January 1600, while going to church, he had accidentally met on the high street of Edinburgh Patrik, Lord Glamis. For the reverence they bore to his Majesty, and for observing the assurance between them, they passed by one another without provocation by word or countenance, —the pursuer thus looking for no further trouble to have fallen out. But, after they had passed, Patrik Johnestoun in , who was in the said Lord's company, "drew his sword, invaidit and persewit the said complener of his lyfe, and strak and cuttit throw the schoulder of his Page 564. cloik, coit and doublet, without the allowance of the said Lord Glamis."—The pursuer appearing by Hary Rynd, his procurator, but Johnestoun failing to appear, the order is to denounce him rebel.

Suspension of letters of horning raised against Crawford of Lochnories and others by the minister of Fail for payment of their shares of the late taxation of 100,000 merks.

William Wallace, minister of Failfurd, for his relief of his part of the late taxation of 100,000 merks voted to his Majesty by the Estates, has raised letters charging, under pain of horning, (1) Williame Craufurd of Lochnoreis to pay to Robert Reid, messenger, the minister's collector, 10 merks for the five merkland of Gas and Weltreis, (2) George Douglas of Pennyland to pay 10 merks for the five merkland of M^cClellanstoun, (3) Johne Boisuell of Duncanyemer to pay 10 merks for the five merkland of Duncanyemer, and (4) George Reid in Craikstoun to pay 10 merks for the five merkland of Staniebegis,—the said whole lands consist-

ing of 20 merkland of old extent, lying in the parish of Affleck, bailiary of Kyll and sheriffdome of Air, as part of the patrimony of the abbacy of Failfurd. Now, the persons so charged complain that the said letters ar "generall, not condiscending in speciall quhat everie ane of the saidis compleneris sould pay for ilk merkland," and that the said minister, in his "grit greid," has charged them to pay two merks for every merkland, although they cannot be charged to pay more than 13s. 4d. They have offered that sum to the said minister, but he has refused to receive it, and so they have consigned it for delivery to him; and, having found caution for payment of more than one merk for every merkland if decerned so to do, they pray that the said letters of horning may be suspended.—The pursuers appearing by Johne Boisuell of Affiek, but the defender not appearing, the Lords suspend the said letters, and ordain Archibald Prymrois, in whose hands the said sums are consigned, to deliver the same to the said minister.

Acta 1601-2

Page 565.

To denounce Borthwick of Johnstoneburn.

Williame Borthuik of Johnistounburne having failed to appear this day as charged, to answer for the reset of thieves, stolen goods, rebels and horners in his house of Johnestounburne, and for art and part with them, is to be denounced rebel.

Page 566.

Edinburgh, 20th May. Charge to Lord Maxwell and certain other Maxwells to answer for a new design upon Sir James Johnstone, warden of the West March.

Albeit Johne, Lord Maxuell, had found caution not to resort to Nithisdaill, Annanderdaill, or Galloway without the King's license, he has not only passed home to Nithisdaill without knowledge of his Majesty, but, upon the 10th instant, accompanied by certain of his friends who stand under assurance to Sir James Johnestoun of Dunskellie, warden of the West March, he went six or seven miles out of the town of Drumfreis, of set purpose to attack Johnestoun and his friends. Their design not having effect at that time, the said Lord and his friends "intendis to await some new occasioun to accomplisch and put in executioun sum heich and desperat purpois aganis the said wardane, and sua to disturb and schaik lowse the haill esteat of that cuntrey, in the setling quhairof his Majestie and his Counsall hes bene sa cairfullie and painefullie occupyit thir dyvers yeiris bigane, and to disapoint and hinder the ordinarie meitingis and redres with the opposite officer, heichlie to his Majesteis offence and contempt." Accordingly, there is order to charge the following persons to appear before the King and Council at Halyruidhouse on June next, to underlie such order as shall be taken with them: viz., the said Lord Maxuell, and his tutors and curators for their interest; also, Williame, Lord Herreis, Johne, Master of Herreis, Alexander Maxuell of Inglistoun, Sir Robert Maxuell of Spottis, Johnne Maxuell of Conhaith, Eduard Maxuell of Hillis, Eduard Maxuell of the Ile, Johne Maxuell of Kirkconnell, Homer Maxuell of Carnesallauch, James Maxuell of Portrak, Archibald Maxuell of Cowhill, Eduard Maxuell of Tinvall, Harbert Maxuell of Cavens, Robert Maxuell of Dynwiddie, Andro Rorisoun of Bandannach, Mr. Alexander Maxuell, and Thomas Maxuell, brother of Alexander Maxuell of Inglistoun.

ta 1601-2. ge 567.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Uchiltrie; Fyvie; Magister de Paislay; Episcopus Dunkeldensis; Episcopus Rossensis; Halyruidhous; Thesaurarius; Secretarius; Advocatus; Collector; Clericus Registri. Holyrood-house, 21st May.

ge 560. Complaint by James Hereot of Trabroun that, upon Thursday 7th instant, Williame Borthuik, brother of the late James, Lord Borthuik, and Walter Cairnecorse elder, son of Walter Cairnecorse in Lugaft, with others, came at nine hours in the morning to the pursuer's lands of Over Howden, and there slew two of his horses while ploughing, and wounded his ploughmen, so that they dare not labour his lands.—The complainer appearing by Andro Kneland, the defenders, for not appearing, are to be denounced. To denounce William Borthwick and Walter Cairncross.

ge 567. The King and Council dispense with the Act dated 12th August last whereby Masters James Balfour, Walter Balcanquell and Williame Watsoun "wer dischairgit to preich or to resorte to the burgh of Edinburgh within the space of ten myllis" (*ante*, p. 148), and ordain the said Act to have "na force" hereafter.[1] Act against the three ministers of Edinburgh discharged.

The assurances between Hary Stewart of Craigyhall and Johne Dundas of Newlistoun having now almost expired, but the variance between them not having been removed, there is order to charge both parties to subscribe and return within six days after charge, under pain of rebellion, such new form of assurance as shall be presented to them, to endure till 1st June 1602, and also to find sureties for the keeping of the same inviolate. Charge to Stewart of Craigyhall and Dundas of Newliston to assure one another.

e 568. Complaint by Colene Eviot of Balhousie, as follows:—Upon a supplication presented to the King and Council on 13th February last, in name of the presbytery of Perth, touching the "vyld and abhominable cryme committit be David Roy, sumtyme the said complenaris cuik, in the abuseing and defloring his dochter efter sic a detestable and devilisch maner as hes not bene hard of amangis Christianis, as, namlie, be the dobbing of ane apple and infusing of ane portioun of his awn natur in it, quhilk he gaif hir to eat, and be giving hir a drink with Spaniyie fleis, quhilk he callit cantarides, and ane uther drink maid of daphindillie, and be consulting with ane witch how the said complenaris said dochter mycht be moved to yeild to his filthie and beistlie appetyte, and, in end, quhen na sic devilisch and damnable meanis culd prevaill, be useing of violence and forsing of hir to his appetyte," his Majesty, "being moved with the rairnes and uncouthnes of the fact, quhilk wes of a wickit and Case of certain assizers who have, contrary to the evidence, acquitted a panel charged with a capital offence.

[1] This permission to the three Edinburgh ministers to return to their charges,—cancelling, it may be observed, the Act of the late General Assembly of the Kirk at Burntisland for gratifying the King by their permanent removal from those charges (*ante*, p. 237, footnote),—had been obtained, Spotswood says (p. 465), by the advice of the Commissioners of the Kirk appointed by that Assembly. Spotswood adds:—"Mr. John Dikes also, who had lurked all this time [see *ante*, pp. 34-35],—having composed some Eucharistick Sonets, as he called them, for his Majesties preservation [from the Gowrie Conspiracy],—was pardoned, and permitted to return to his place."—The King's power over the clergy, acquired so suddenly after the Edinburgh tumult of December 1596 (vol. v. p. 349, footnote), had been so thoroughly established during the four intervening years that it cost him little effort now to allow his good nature to have play in some such cases.

pernitious preparative and careing with it sa foull a sclander," had directed a warrant to the sheriff of Perth for trying the said David by an assize, "and, being foundin gilty, to caus execute him to the deid." Accordingly, upon 21st February last, in a justice court of the said shire, he had been put to the knowledge of an assize of the persons following: viz., Peter Hay of Kirkland, Patrik Ratray of Kinvad, Thomas Narne, apparent of Mukarsie, Harie Crychtoun of Banchell, Johne Blair of Meginche, Williame Ruthven of Ardonnochie, Abrahame Crychtoun, portioner of Banchrie, William Bruce of Mylnetoun, Johne Chalmer of the Boig, Williame Tyrie, younger of Busbie, Andro Drummond, chamberlain of Methven, Alexander Lindsay in Toftchellis, Alexander Narne, son of Johnne Nairne of Muckarsie, Johne Dow in Preistoun, and Lawrence Stewart in Methven:—before whom the said David's dittay abovewritten, and his own deposition, made in presence of ministers, notaries and witnesses, confessing the said crimes to be true, were read, and all the circumstances of the case declared. Now, although the said David had admitted in presence of the assize every point of the said dittay to be of verity and "confessit sindrie uther thingis anent that mater," yet the assizers underwritten,—viz., Hary Crichtoun of Banchell, Peter Hay of Kirkland, Johne Blair of Meginch, Williame Ruthven of Ardonnochy, Johne Chalmer of the Boig, Williame Tyrie, younger of Busbie, Alexander Narne, Johne Dow in Peirstoun, and Lawrence Stewart— "maist wilfullie and wittinglie, aganis thair knawlege and conscience," had acquitted the said David of all points of the dittay, so that he has escaped punishment, "to the offence and displesour of God, sclander of the trew religioun, and reproch of this natioun."—Charge had been given to the assizers complained of to appear and answer; and now, all of them appearing except Lawrence Stewart and Williame Tyrie, and confessing their error and surrendering to the King's will, the King and Council ordain them to remain in Edinburgh till his Highness declare his will, at the same time ordering the said Lawrence Stewart and William Tyrie to be denounced rebels for non-appearance.

Acta 1601-

Page 569.

Andrew Wadie against James Kello for having raised letters of law-burrows against him with penalty beyond the complainer's station.

Complaint by Andro Wadie in Pitcanie, as follows:—James Kello of Pitcaynie, alleging that the pursuer heavily oppresses him in his lands of Pitcany, and in the "dowcat" of the same, has raised letters of law-borrows requiring the pursuer to find caution for his indemnity in 1000 merks, under pain of rebellion. Now, the said pain is far above pursuer's rank, as he is only a mean yeoman not worth 1000 merks altogether, and the Act of Parliament in such cases ordains yeomen to find caution only in £40. As pursuer has nevertheless found the caution required, the letters of horning against him ought to be suspended simpliciter.—Both parties appearing, the King and Council do suspend the said letters; and, because the defender has found caution for the indemnity of the pursuer in £500 only, they ordain that the caution in 1000 merks, found by the pursuer for the defender, shall stand also only for £500.

Page 570.

Page 571.

ta 1601-2.

Sederunt—Cancellarius; Linlithgow; Fyvie; Magister de Paislay; Clericus Justiciarie; Haliruidhous; Comptroller; Spott; Custos Secreti Sigilli; Collector. Edinburgh, 26th May.

To denounce Michael Cochrane, sheriff-clerk of Wigtown, for not answering to a charge of malversation of office.

Complaint by Alexander, Master of Elphingstoun, treasurer, as follows:—He had sent Robert Boyd, messenger, with letters for charging Kennedie, younger of Blaquhane, and his accomplices, on the one side, and certain persons in and about the town of Wigtoun, on the other side, to find caution to answer before the Justice for the slaughter of the provost of Wigtoun and certain others. The said persons, having refused to find caution, had been put to the horn by the said Robert; who had immediately delivered the said letters of horning to Michaell Cochrane, sheriff clerk of Wigtoun, for registration, conform to law, to be reported before the Justice at the diet appointed. The said sheriff clerk, however, refuses to re-deliver the same to the said messenger, of purpose to frustrate the diet appointed for the trial of the said persons, from whom he has received reward to that end. "And, seing he is not affrayit, in his Majesteis awin particular, sua avowedlie to utter his unhonnest and undeutifull behaviour in the dischairge of his office, his Majestie may weill considder with quhat grit audacitie he abuseis his Hienes pure
572. subjectis having to do with him in his office."—The pursuer appearing by Mr. Williame Broun, the defender, for not appearing, is to be denounced rebel.

James Spalding against Lord Forbes for illegal arrest and detention in ward.

Complaint by James Spalding, as follows:—Johne, Lord Forbes, had lately apprehended him without lawful warrant and committed him to ward in the castle of , where he still detains him, intending, under colour of justice, to bereave him of his life,—"albeit it be of veritie that the said complenar is ane peceable and trew subject, unspottit with ony cryme or offence meritand sic hard and rigorous usage"; and the said Lords proceeding is "ather to mak his advantage of his guidis and geir, or ellis to revenge sum particular querrell quhilk unjustlie he
573. beiris aganis him."—The complainer appearing by Mr. Alexander Peiblis, but Lord Forbes neither appearing nor having released Spalding as charged, the said Lord is to be commanded again to release Spalding within six hours after the charge, under pain of rebellion and putting of him to the horn.

Order to commit Mr. John Davidson, minister at Prestonpans, to ward for a letter sent by him to the late General Assembly of the Kirk at Burntisland.

Charge had been given by virtue of the King's letters to Mr. Johne Davidsoun, minister at Prestounpanis, to appear before the King and Council this day, to answer "to sic thingis as sould have bene inquyrit of him at his comeing, under the pain of rebellioun." And now, the said Mr. Johne appearing personally, "it wes demandit of him gif he had writtin and directit ony letter to the last Generall Assemblie of the Kirk, haldin at Bruntiland, and gif the letter shawin and producit to him wes not the same verie letter quhilk he wret and directit to the said Assemblie." The said Mr. Johne, "efter inspectioun of the said letter, reiding and perusing the same," confessed that it was the very letter which he had sent to

the Assembly. In respect of Mr. Johne's confession the order is to commit him to ward in Edinburgh Castle and detain him there at his own expenses till freed by his Majesty.[1] Acta 1601 Page 574.

Act providing for the payment of a debt due by a prisoner to the constable-depute of Edinburgh Castle.

Supplication by James Maistertoun, constable-depute of the castle of Edinburgh, as follows:—Thomas M^c^Alexander of Drummochryne, who had been committed to ward in the said castle seven months ago, has ever since been supplied by the said James with meat, drink, bedding, and other necessaries, to the amount in all of 1000 merks. The said Thomas being now suspected of treason, which would imply the forfeiture of his life and lands, his Majesty had ordained that his Treasurer should pay complainer the said sum, or else that the donator to whom the escheat of the said Thomas should be disponed should pay complainer the 1000 merks out of the first and readiest of the escheat. Now, "seing it hes plesit his Majestie sua favourablie and equitablie to inclyne to the said James releif," but that it is necessary for complainer's "forder assuirance" to have the consent of the Secret Council to the King's warrant, he humbly petitions to that effect.—The Lords ordain the said treasurer or donator to pay as above, and that before any gift of the said escheat be passed through the register or seals.

[1] Mr. John Davidson, of whom, and of whose zealous Presbyterianism and free speeches and writings, in his successive ministries in different parishes, there has been mention again and again in these records, from as far back as the time of Morton's regency, had, in his old age, distinguished himself by one bold act more. As the present entry purports, he had addressed a letter to the late General Assembly at Burntisland exhorting his brethren of the Church to steadfastness in their duty. Mr. James Melville, who was prevented from attending the Assembly by illness, had sent a similar letter, but in a milder strain. Both letters may be read in full in Calderwood, vi. 106–112. A specimen of Davidson's may be quoted:—"Is it tyme for Baruch to speke great things for himself, when the Lord is about to destroy the thing he planted, and threatneth his people with fearefull captivity? Is it tyme for us now, when so manie of our worthie brethrein of the ministrie are shamefullie thrust out of their callings, without all order of just proceeding against them, *et boni malis deputantur*, as a Father sayeth, and Jesuits, Atheists, and Papists, in great number, dailie flocking hame, are suffered, countenanced, and advanced to great rowmes in the realme, to the bringing in of idolatrie and captivitie more than Babylonicall, with an high hand, and that in our cheefe citie,—in no corners, but in effect at the mercat croce of Edinburgh,—without all due punishment for the same, according to the law of God, and manifest lawes of the realme? Is it tyme now, I say, to be inveigled and blindfolded with pretence of preferment of some small number of our brethrein,—and that not to stand so muche in the ordinance and electioun of the Kirk as at the pleasure of the Court,—to have vote in Parliament, to ryde with foote-mantle, and have title of prelaceis, and so to make the preparative in ourselves of that hierarchie, as they call it, that the Papistes minde with speed to injoy."—Calderwood's account of the reception of this letter by the Burntisland Assembly is that it "was read and allowed in the Assemblie, but the King alledged there was treasoun in it." Spotswood's account is somewhat different. "This letter, laughed at by some," he says, "did greatly offend the wiser sort, who would have proceeded to censure the man as he had deserved, but that the King interceded, willing to leave the punishment to him."—Committed to ward in Edinburgh Castle on the 26th of May, as the present entry shows, Mr. Davidson addressed a letter to the King thence, which induced his Majesty next day to commute Mr. Davidson's penalty into ward in his own house in Prestonpans, with liberty of motion in the attached garden, but no farther. Thence, on the 30th of May, Mr. Davidson addressed another letter to his Majesty; and the result was another royal warrant on the 31st of May restoring to Mr. Davidson liberty of locomotion within his parish. See Calderwood, vi. 125–130.

ta 1601-2. ge 575. Complaint by Christeane Grhame, relict of Hew Sommeruell of Spittell, as follows:—Elspeth Hammiltoun, relict of Williame Sommeruell of Spittell, and James Douglas, apparent of Wellis, have charged the pursuer to find caution in 500 merks for their indemnity, within six days after the charge, under pain of rebellion. Now, the said charge is raised by the defenders only to "draw hir under inconvenient of horning, and sua to obtene the gift of hir escheat, and to tak to thame the litill portioun quhairupoun scho levis." They will not make faith that they dread bodily harm from the complainer, "scho being ane destitute wedow and maist willing to leif under his Hienes peax"; and, even if they had just cause against her, the penalty is "verie evill modifeit, cognitioun not being had of hir estait and degrie." No one will become surety for her in so great a sum; but, having found caution conform to her degree, she prays that the said letters may be suspended.—The pursuer appearing personally, and the defenders by Robert Douglas of Todhoillis, the Lords do suspend the said letters, for the said reasons, and because complainer has found caution in £100. Suspension of letters of horning against Christian Grahame.

ge 576.

ge 578. *Sederunt*—PRESENTE REGE—Lennox; Cancellarius; Linlithgow; Uchiltrie; Newbottle; Fyvie; Roxburgh; Magister de Paislay; Thesaurarius; Secretarius; Episcopus Rossensis; Blantyre; Halyruidhous; Comptroller; Collector; Advocatus; Clericus Justiciarie; Clericus Registri; Tracquair; Spott; Elimosinar. Dalkeith, 28th May.

ge 576. "The quhilk day, his Majestie and Lordis of Secret Counsall and Chekker considering the monyfauld complaintis gevin in aganis Thomas Foullis, goldsmyth, Robert Joussie, merchand, burgessis of Edinburgh, and Thomas Achiesoun, maister cunyeour, be thair creditoris, for non-payment to thame and ilk ane of thame respective for thair awin pairtis of sic sowmes quhairin thay ar justlie addebtit to thair saidis creditouris, quhilkis wer haillelie imployit be thame in his Hienes service and particular effairis; and his Majestie and the saidis Lordis understanding the samyne perfytlie weill, and that the saidis Thomas Foullis, Robert Jowsie, and Thomas Achiesoun ar maid thairby unhable to pay thair saidis creditouris ony pairt thairof, in respect of the saidis sowmes of money restand awand be his Majestie to thame, the payment quhairof as yit his Majesteis present rentis may not guidlie spair, nochtwithstanding of his Majesteis guid affectioun and desyre to the payment thairof:—In takin quhairof his Majestie and the saidis Lordis, be thir presentis, promittis faithfullie, upoun the word of a prince, for his Hienes and his successouris, that, gif the said Thomas Foullis sall, at ony tyme heirefter, declair or caus be declairit to his Majestie ane meane how his Majestie may be relevit of the sowme of nyne scoir thousand pundis money of debt within the space of ellevin yeiris nixt and immediatlie following the dait heirof, the samyne nawyse being hurtfull to the present estait of his Majesteis officeis of thesaurarie, comptrollarie or collectorie, nor Act providing for the payment to Thomas Foullis and other creditors of the debts owing to them by his Majesty.

grevous to his Majesteis loyall subjectis, that his Majestie sall not onlie caus effectuat the same to the payment and releiff of the saidis Thomas Foullis, Robert Jowsie, and Thomas Achiesoun, bot, for the said Thomas Foullis better securitie of his releiff, his Majestie and the saidis Lordis be thir presentis promittis that the said Thomas and sic utheris personis as he sall nominat and appoint sall have the full uplifting and intromett-ing thairwith for the said space of ellevin yeiris, and to that effect sall mak, perfyte and delyver sic sufficient securitie thairupoun to the said Thomas or to ony uther persone or personis, and thair assignayis, as he sall nominat and appoint, in sic ample, dew and competent forme as thay sall devyse; quhairby they may bruik and joyse the foirsaid meane and intromet thairwith for the said space of ellevin yeiris, upoun the conditionis following, but ony alteratioun, stop, trouble or impediment to be onywayis maid or moved aganis thame thairin be ony maner of way dur-ing the space foirsaid,—they reportand yeirlie at the end of ilk yeir in Chekker ane dischairge of the ellevint pairt of the said sowme of nyne scoir thowsand pundis money: provyding alwayis the debt awand be his Majestie to the saidis Thomas Foullis, Robert Jowssie, Thomas Achiesoun, and Sir George Home of Wedderburne, knycht, according to his futtit comptis, be thairin speciallie comprehendit and first payit, be payment-making to thame or thair creditouris in thair names of the samyne, as his Majestie, with avyse of his Hienes thesaurar, sall appoint. The quhilk his Majestie, be thir presentis, promittis to dispone to the said Thomas and utheris personis foirsaidis as he sall nominat for the said space of ellevin yeiris upoun the conditionis abonewrittin: lyk as his Majestie, with consent foirsaid, assignis and disponis the saidis proffeitis of the saidis over-touris to the said Thomas and utheris personis foirsaidis quhome he sall nominat, and thair assignayis, the sowmes of money that sall result thair-upoun induring the said space, and, how oft so ever his Hienes or his saidis Officeris, Counsall, and Chekker foirsaid salbe requyrit, sall renew the said Thomas rychtis of the saidis proffeitis of the overtour abone men-tionat, and sall never commit nor do nathing quhairby the said Thomas his rycht may be invertit. As lykwyse, his Majestie considering the guid, trew and thankfull service done to his Hienes be the said Thomas Foullis fra tyme to tyme heirtofoir, and advancement of his Majesteis com-moditie in this behalf in maner foirsaid, thairfoir his Majestie also pro-mittis to gift and dispone to the said Thomas his wyff and bairnis during thair lyftymes, successive efter utheris, ane yeirlie pensioun of the sowme of ane thowsand pundis money, to be upliftit be thame yeirlie furth of thair reddiest payment of the said meane quhilk salbe declairit be him as said is, and sall mak sic sufficient securitie to thame thairupoun as thay sall devyse for thair securitie: provyding alwayis that, gif the said Thomas and utheris personis quhome he sall nominat report not yeirlie to the Lordis Auditouris of his Hienes Chekker ane sufficient acquittance of the saidis creditouris upoun the proportionall payment of the said sowme in maner foirsaid, that then and in that cais this present tak and quhat-

Acta 1601-

Page 577.

cta 1601 2. sumever uther securitie following thairupoun to expyre and be of na forder availl to the said Thomas and his foirsaidis, bot that it salbe lesum to his Majestie to nominat ony uther persone he pleissis to uplift the same for payment of the saidis creditouris of thair saidis debtis: provyd-
age 578. ing alwayis that the foirsaid provisioun be nawayis prejudiciall to the said Thomas his wyffe and bairnis anent thair said yeirlie pensioun of ane thowsand pundis, bot that the samyne salbe speciallie exceptit furth thairof, and that thay sall bruik the samyne during thair lyftymes, conforme to the securitie to be maid to thame thairupoun, nochtwithstanding the provisioun abone specifeit. And als his Majestie promittis, *in verbo principis*, with avyse of the saidis Lordis of Secret Counsall and Chekker, that na proces of horning led aganis the said Thomas in ony tyme bigane, nor to cum during the said space, salbe hurtfull or prejudiciall to the said Thomas in prosequuting and uplifting of the said meane in ony tyme comeing, in respect he hes onlie the intromissioun thairwith for payment of the said debtis."

Suspension of letters of horning against Sir John Wemyss of that Ilk, sued for allowing a Border pledge to escape.

Complaint by Sir Johne Weymis of that Ilk, as follows:—He has been decerned to have incurred the pain of £2000 for non-entry of Willie Johnestoun of Grenesyd, pledge, on 30th April last; and Alexander, Master of Elphingstoun, treasurer, has assigned the said penalty to Johne Nasmyth, and George Hereot, younger, goldsmith, burgess of Edinburgh,— who, accordingly, have charged complainer to pay them the said sum, under pain of horning. Now, his Majesty will remember that the meeting for receiving the pledges was ordained to be at Linlithgow, and that not only was complainer charged to appear there, but the King himself declared to him that the Council would meet at Linlithgow. The place of meeting had been altered from Linlithgow to Dalkeith (*ante*, p. 234); but, as complainer had received no information thereof, he had sent an "honest
age 579. barone" to Linlithgow to inform the Secret Council of the circumstances of his case, and the said commissioner had remained there two days for the purpose. Had complainer known that the Council was to meet at Dalkeith or at Edinburgh, he would himself have appeared and explained as follows:—Williame, Earl of Angus, his Majesty's lieutenant, having power to place, relieve and interchange the pledges of the Borders at his discretion, sent the said Willie to the complainer with a missive order to keep him, under pain of £2000. This seeming "a noveltie to him and a burding quhairwith nane of his predecessouris wer burdenit," he had returned the said pledge to the lieutenant, with the answer "that he wald glaidlie gif him intertenement for himself, his man and hors," but would not be answerable for the detention of the pledge under the said pain, "seing it is aneuch for ony gentleman of the cuntrie to interteny a pledge, albeit he be not ansuerable upoun sa hard a conditioun for his keiping." The Earl appeared to be content with his answer; and, the complainer having met the Earl a few days afterwards in Edinburgh, the Earl had craved him to receive the said pledge on the mere condition that he would not himself grant the pledge licence to depart under the said pain, and

that, if the pledge escaped without his knowledge, he would advertise the Lieutenant or the Clerk of Register thereof within 48 hours,—this to be exoneration to complainer. He had accordingly received the said pledge, and entertained him till the pledge, upon an advertisement from the Laird of Johnestoun, his chief, had left the complainer privily and "without guid nycht"; immediately after which he had acquainted the Clerk of Register with the fact by writing. He pleads therefore that the said decree and the letters raised thereon ought to be suspended simpliciter; but he has found caution for payment of the said sum if it shall be found justly owing.—Complainer appearing, and also the said Treasurer, with Mr. Thomas Hammiltoun of Drumcairne, King's advocate, but neither Hereot or Nasmyth, the Lords do suspend the decree and letters. Acta 1601– Page 580.

Ramsay of Cockpen, in the matter of his lawburrows to Hamilton of Preston.

Complaint by Nicoll Ramsay of Cokpen, that he has lately been charged, by letters at the instance of George Hammiltoun of Prestoun, to find caution for his indemnity in 2000 merks, under pain of rebellion. The said pain is "verie extraordinar," he being but a gentleman of very small rent. The pain in letters of lawburrows is £1000 only for even a great baron; and the most that a person of his condition can be charged with is 500 merks. As he has nevertheless found caution in 1000 merks, the said letters ought to be suspended.—The pursuer appearing personally, and the defender by Williame Batie, the Lords, in consideration of the caution, do suspend the letters. Page 581.

Act providing for payment of a debt to Archibald Chirnside, due by a person accused of treasonable crimes.

Supplication by Archibald Chirnesyd, as follows:—Thomas MacAlexander of Drumochryne, being indebted to complainer in 1000 merks, and having been charged to make payment, but having passed to the horn rather than obey, complainer had raised letters of caption against him and used all manner of executions for apprising his lands, without effect. As the said Thomas is now to be accused of treasonable crimes, and as his conviction will lead to forfeiture of his estate, and so to the frustration of payment of the said debt unless the donator to whom his escheat may be disponed be ordained to make satisfactioun to complainer out of the escheat, complainer prays for an Act of Council to that effect.—The King and Council ordain that, before any gift be passed of the said escheat, provision shall be made for the payment of complainer by the donator (compare *ante* p. 244). Page 582.

Wallace of Carnell and others against Cunningham of Caprington for being art and part in an act of violence and oppression.

Complaint by Johne Wallace of Carnell and Colonel David Boyd of Tourgill, as having right to the ward of the lordship of Boyd, and by Johne Adame in Mosflat, and Adame, his son, tenant of the said ward-land, as follows:—At 12 o'clock at night on a Sunday in April last Williame Cunynghame of Caprintoun, George Campbell in Gelt, Johne and Williame Cunynghames, sons of the late Adame Cunynghame of Clolynane, Finlay Campbell, George Campbell in Inchmerk (Inchmarnok), Johne M^{c}Michaell, Johne Brackarig (Brakanrig), Johne Mar, James Wallace, servitors to the said Johne Cunynghame, Williame Stevin, Johne Tailyeour, Johne M^{c}Lachie, all household servitors of the said

Acta 1601-2. Williame Cunynghame of Caprintoun, and Johne Fergusoun in Mosend, officer, with their accomplices, all armed with hagbuts, pistolets and other weapons, of the special causing of the said Laird of Caprintoun, came to Mayne, the said Johne Adame's house in , where he and his family were taking the night's rest, broke up the doors thereof, and unmercifully pursued him and his, wounded his said son, assaulted his wife, so that she is yet in great hazard of her life, reft the whole moveables of their house, bound the said Adame and his son hands and feet, and carried them with them as prisoners to the place of Caprintoun, where
Page 583. they are still detained in strait ward.—Wallace of Carnell, and the said Johne Adame and his son appearing, and Colonel Boyd being excused by reason of his "disease and infirmitie," and the said Cunynghame of Capringtoun, Johne Cunynghame, son of the late Adam Cunynghame of Clolynane, Finlay Campbell, Johne Brakanrig, Johne Mar, James Wallace, Williame Stevin and Johne Tailyeour, being also present, and the said Laird of Caprintoun appearing as procurator for the other defenders, and having desired the Laird of Carnell's oath as to whether he had just cause to pursue him upon the said libel, and the Laird of Carnell having sworn that he had just cause to prosecute the Laird of Caprintoun for his "allowance and ratihabitioun of the deid libellit," but having passed from the part of the dittay charging the said Laird with having had fire-arms and spuilyied the said goods, the decree is that the Laird of Caprintoun did wrong in allowing the taking of the said Adame and his son, and in suffering them to be detained in his house; and he is therefore ordered to enter in ward in Edinburgh Castle.

Page 585. *Sederunt*—Cancellarius; Fyvie; Newbottle; Thesaurarius; Secretarius; Comptroller; Ros; Halyruidhous; Spot; Sir Patrik Melvill; Advocatus; Elimosinarius: Justice Clerk; Tracquair; Sir Robert Melvill. Edinburgh, 2nd June.[1]

Complaint by Margaret Ramo in the Blak, dwelling on the Water of Meiner, that Williame Scot there, upon 11th May last, came at night to her dwelling house, broke up the doors, and openly reft a black cow, five year old, with her follower. Complainer has "na mair in the eirth to sustene hir," and, "in respect scho hes not the moyane and expenssis to persew the ordinar forme of law and justice," she is constrained to

To denounce William Scott for not answering to a charge of housebreaking.

[1] "Upon the penult of May the Erle of Marr and the Abbot of Kinlosse, ambassaders, returned to Scotland" (Calderwood, vi. 130). For the origin and object of their embassy to England see footnote *ante*, p. 204. The results of their embassy are summed up by Spotswood thus:—"Coming to the [English] Court some days after the execution of Essex, and having access to the Queen, [they] did congratulate her good success in repressing that audacious attempt [of Essex]. This she took well, and was glad to hear so much from them, because of the rumours which were then dispersed 'that Essex was made away for favouring the King of Scots' title, and that, if the ambassadors had come in time, they would have dealt for him.' A good answer was hereupon given to all their instructions; and, whereas, among other points of their commission, they were willed to seek an assignment of some portion of land in recompence of the lands belonging to the

"meane hirselff utherwayis, and to adheir to his Majesteis lait proclamationis maid anent redressing of reif and oppressioun."—The pursuer appearing by Weych, her procurator, Scot, for not appearing, is to be denounced rebel. Acta 1601-2.

Suspension of horning against Alexander Nisbet for not finding letters of lawburrows to David Brown and others under a certain pain.

Action by Alexander Nisbet of Greneholme against David Broun in Newmylnis, James and David Brounis, his sons, Johne Broun in Grenholm, and Thomas Broun, younger, burgess of Glasgu:—He is charged by the said persons to find caution for their indemnity in 2000 merks, under pain of horning. Now, the said pain is far above the sum appointed by Act of Parliament, and the complainer, being but a "meane gentleman," cannot find caution under so great a sum. For obedience, however, he has found caution in 1000 merks; and he prays that the letters of horning against him be suspended.—The pursuer appearing, but not the defender, the order is to suspend the said letters. Page 586.

Anent the manufacture of cloth by the Burghs.

The 9th of July next is assigned to the Commissioners of Burghs for reporting a definite answer how soon they will have the "work of the making of claith set up in this realme"; and Roger M^cNaucht and Thomas Speir, bailies of Edinburgh, who are present, are ordered to intimate this Act at the next Convention of Burghs. Page 587.

Edinburgh, 5th June. Proclamation against transportation abroad from the West Coast of a certain class of malefactors.

The Lords being "crediblie informed that thair is certane personis standing under the danger of his Majesteis lawis, and suspect giltie of dyvers heich crymes and offences, quha, feiring the event of thair tryall, hes convoyit thameselffis secretlie to the west pairtis of this realme, quhair thay intend to tak schiping and to remaine and depairt furth of this realme," proclamation is ordered at the market crosses of Air, Irwing, Renfrew, Dumbartane, and other towns and sea ports on the west coast, inhibiting all skippers and mariners from receiving in their vessels any passengers till they find caution that they shall be answerable to the laws. Any passengers refusing to find the said caution are to be delivered to the nearest magistrates and detained in ward till his Majesty's pleasure be known. Contraveners are to forfeit their ships and to be punished in their persons.

Edinburgh, 9th June.

Sederunt—Cancellarius; Wyntoun; Uchiltrie; Fyvie; Ros; Kinlos; Halyruidhous; Clericus Justiciarie; Collector; Advocatus; Custos Secreti Sigilli; Bruntiland; Clericus Registri; Elimosinarius. Page 588.

Lady Lennox, the King being her lawfull heir, the Queen, excusing herself touching the lands, was content to adde to the annuity formerly paid [to James] the summe of 2000 pounds yearly, as long as he kept fast and held one course with her. Besides this satisfaction obtained of the Queen, they did so work with the principall noblemen and Counsellors as they won them to be the King's friends, and at their return gave his Majesty assurance of a peaceable reception of that Crown after the decease of the Queen."—While the ambassadors were in London, Mr. Robert Bruce, the exiled Edinburgh minister, had been allowed to come over from France to confer with them as to the conditions on which he would be permitted to return to Scotland. He had been left at Berwick, to await the result. See Calderwood, vi. p. 102 and pp. 130–135.

Acta 1601-2.

Complaint by Mr. David M^cGill of Cranstounriddell, one of the Senators of the College of Justice, that, upon 28th May last, Williame Spotiswod, brother of Mr. Johne Spottiswod, minister, Robert Spottiswod, brother of Johne Spottiswod of that Ilk, and Thomas Spottiswod, called the Tailor, with certain others, taking advantage of the pursuer's absence abroad, came to the mansion house of the lands of Quhinrig, belonging to him heritably, and, armed with hagbuts, pistolets, swords and other weapons, surprised the same, which they still hold "as ane weir hous."—The pursuer appearing by M^cGill, his procurator, the defenders, for neither appearing nor having rendered the said house as charged, are to be denounced rebels.

To denounce William Spotswood and others for not answering to a charge of violent possession.

Page 589.

George Clapen of Carslogy appears, and gives in a copy of letters raised by the minister, deacons and elders of the Session, of the kirk of Cowpar, and by Williame Turnebull, burgess of Edinburgh, charging the said Clapen to answer this day to a complaint by the said Session and Turnebull for having come, at five hours at even upon 23rd May last, to the said kirk with axes and fore-hammers, and demolished a seat therein belonging to the said Turnebull.—No one appearing for the Session, and Turnbull not appearing, Clapen protests that he shall not be held to answer farther in this matter till newly warned; and the Lords admit the protest.

Protest in favour of Clapen of Carslogy, cited by the Kirk Session of Cupar.

Complaint by Alexander, Master of Elphingstoun, treasurer, that, notwithstanding the divers Acts against bearing hagbuts and pistolets, Alexander Mure, brother of Robert Mure of Cauldwell, continually wears such, and that upon 30th July and 15th and 16th April last he "kythit himselff in publict streitis and mercattis in the toun of Paislay with hacquebutis and pistolettis."—The pursuer appearing by Mr. Williame Broun, his servant, the defender is to be denounced for not appearing.

To denounce Alexander Mure for not answering to a charge of bearing fire-arms.

Page 590.

Complaint by Johne Man, son of Issobell Swane in Cornehill, against Robert Keith in Cornehill, for having lately charged complainer by letters to find caution in 500 merks for his indemnity, under pain of rebellion. The said sum is far above that appointed by Act of Parliament; the pursuer, being a young man unlanded, is not chargeable with more than 200 merks; and, besides, he is in household with his mother, who has found caution for herself and hers in 500 merks for the indemnity of the said Robert. For obedience, however, complainer has found caution in 200 merks.—The pursuer appearing by Mr. Thomas Mawer, his procurator, but the defender not appearing, the Lords suspend the said letters.

Suspension of letters of horning against John Man.

Page 591.

Williame Purdy, procurator for George Sinclair of Maii, appears and gives in a copy of the letters raised by Alexander Moresoun in Leith, charging Sinclair to present Donald Ros of Ballamukie, and Walter Ros, apparent of Ballamukie, his son, before the King and Council to answer for their lying at the process of horn executed against them by the said Alexander. Moriesoun not appearing, Purdie protests that Sinclar shall not be held to answer farther in this matter till again warned; and the Lords admit the protest.

Protest in favour of the Chancellor of Caithness.

Complaint by Alexander, Master of Elphingstoun, treasurer, that

To denounce Thomas Loudean for not answering to a charge of bearing fire-arms.

Thomas Lowdeane of Lyelstoun had been challenged in May last between Edinburgh and Dalkeith for "having ane pistolet at his syd," the offence aggravated by the fact that his Highness was then in the place of Dalkeith.—The pursuer appearing by Mr. Williame Broun, his servant, the defender, for not appearing, is to be denounced rebel. Acta 1601-2. Page 592.

Edinburgh, 11th June,

Sederunt—Cancellarius; Fyvie; Uchiltrie; Secretarius; Thesaurarius; Ros; Halyruidhous; Kinlos; Comptroller; Advocatus; Collector; Clericus Justiciarie; Custos Secreti Sigilli; Clericus Registri; Bruntiland; Elimosinarius.

Proclamation against aiding Tyrone and his rebellious accomplices in Ireland against their gracious Sovereign, Queen Elizabeth.

"Forsameikle as the honnest continuance and daylie incres of that brutherlie amitie quhilk his Majestie haldis with his Hienes darest suster the Quene of England, and the mutuall intertenement of the guid and happie peace betuix the tua realmes, ar argumentis and motives mair nor sufficient to persuad his Majestie and all his guid and faithfull subjectis to dislyk and abhor the unnaturall and disperat rebellioun of the traitour Tirowne and his rebellious compliceis within the boundis of Irland, quha, maist disloyallie and tressonablie refusing thair faith and allegeance to thair maist gratious and soverane Princes, hes not only rased and interteneis ane oppin and avowed rebellioun aganis hir, bot hes randerit thair homage and fidelitie to ane strangear, and thairby hes betrayit, sa fer as in him lay, the libertie of thair native cuntrey,—a tressoun of sa rare and dangerous a preparative as the lyke hes sendle bene hard of in ony kingdome or aige: and, albeit upoun the consideratioun heirof his Majestie hes heirtofoir be dyvers Actis and proclamationis prohibite and dischairgit the transporting of men, viveris, munitioun or armour, or ony uther thing, furth of this realme for the comfort or ayd of the saidis traitouris and rebellis, under certane panis mentionat in the actis maid thairupoun, nevertheles, as his Majestie is enformed, certane of his Majesteis subjectis, inhabiting within the burrowis of Air, Irwing, Glasgu, Renfrew, Dumbartane, Wigtoun, Kirkcudbricht, and utheris sey townis and portis in the west pairtis of this realme, preferring thair privat gayne and advantage to his Majesteis honnour and obedience, ceissis not daylie to transport and cary furth of this realme, for the succour and ayd of the saidis rebellis, men, munitioun, armour, victuall, poulder and bullet, quhairthrow not onlie ar thay encourageit and comforted to persist in thair tressonable and disperat rebellioun aganis thair native Princes, as said is, to the offence of God, bot his Majestie is thairwithall maist heichlie contempnit and dishonnorit: And thairfoir ordanis letters to be direct to officeris of armes, chairgeing thame to pas to the mercat croceis of the haill burrowis and townis in the west pairtis of this realme and all utheris placeis neidfull, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command, chairge, and inhibite all and sindrie his Majesteis liegeis and subjectis in generall, and the inhabitantis of the marityme coistis towardis Irland in particular, that nane of thame presume Page 593.

Acta 1601-2. or tak upoun hand to ayd, assist, fortefie, mantene or countenance the saidis traitouris and rebellis, nor yit direct, send, cary nor transport to thame men, munitioun, viveris, poulder nor bullet, nor na utheris necessaris, nor suffer nane to be transportit quhair thay may stay and impeid the same, under the paine of deid, to be execute upoun thame without favour, and confiscatioun of the haill guidis quhilkis salbe apprehendit,—the ane half to the deprehendar and the uther half to his Majesteis use; certefeing heirby all and sindrie his Hienes lieges and subjectis quha will dilait to his Majestie and gif suire informatioun quhair and be quhome the formar proclamationis hes bene violat in tyme bigane, or quha sall contravene this present proclamatioun heirefter, that the said dilaitar and informar sal have the ane half of the escheit guidis and geir pertening to the persone dilaitit in cais he cry gilty. And siclyk to command and chairge the provestis and bailleis of the saidis burrowis and townis, that thay tak diligent tryall and inquisitioun that nane of the inhabitantis within thair boundis violat this present proclamatioun, and [that] thay sease upoun the schipis and personis of the saidis contravenaris, and keip thame in suire waird quhill his Majesteis will and plesour be hard toward thame; and, in cais thay can not apprehend thame, that thay informe his Majestie thairof, that his Hienes may thairefter tak forder ordour anent thame as appertenis."[1]

David Drummond, messenger, against the bailies and inhabitants of Dundee, for insulting and deforcing him while executing his office in that town.

The 25th instant is assigned to David Drummond, messenger, for proving the summons raised by him against Johne Schewane, Johne Findlaysoun, Williame Man and Williame Duncane, bailies of Dundie, and against David Hunter, merchant, Robert Goldman, merchant, David Mudie, deacon of the tailors, Alexander Carnegy, officer, Thomas Jack, Robert Jack, his brother, Robert Flescheour, merchant, Williame Hunter, elder, merchant, Peter Wodderburne, taverner, Thomas Hunter and James Man, merchants, Johne Lowell, *alias* Dutch Hannis, Johne Craigtoun, Patrik Lyoun, Patrik Wodderburne, Patrik Wodderburne, his son, Thomas Young, merchants, Andro Flescheour, brother of the said Robert, Robert Kinloch, Thomas Man, Peter Man, David Man, sons of the said Williame Man, bailie, Thomas Mylne, Williame Spens, Alexander Jack, David and Patrik Yemanis, Johne Yeman, younger, and Robert Wodderburne, all burgesses and inhabitants of Dundie, for having come to the market cross of Dundie on 27th February last, when the pursuer was proclaiming his

[1] For some years past there had been much correspondence between England and Scotland on the subject of aid supplied to Tyrone and his Irish Rebellion from the West of Scotland, and the movements and intriguings of some of the West Highland chieftains in particular in that affair, with rumours even of communications between King James himself and Tyrone. See Thorpe's *Calendar of English State Papers relating to Scotland* from 1595 onwards *passim*. One entry there, under date May 27, 1600, is an abstract of a letter from George Nicolson, the English resident in Edinburgh, to the English minister Sir Robert Cecil, enclosing a letter from Tyrone to King James, dated "from his camp, April 10." It runs, in abstract, as follows:—"O'Neill, Earl of Tyrone, to King James. Thanks for his good will. His wishes shall be inviolably fulfilled. The late Munster meeting. The governor slain. The English forces are directed to Loughfoyle, minding their [O'Neill's party's] utter extirpation, in which he trusts they will find more difficulty than in anything else they have attempted."

Majesty's letters raised by the provost, bailies and council of Perth against the provost, bailies and community of Dundie, and there railed at him, "calling him knaif, lowne, and deboschit swingeour, casting of snaw ballis at him, and interrupting him in proclameing of the saidis letters, and, efter his comeing doun fra the croce, for schoutting and hoying of him with loud cryis throw the gait as gif he had bene a theif or malefactour, and that be the speciall command, directioun and hounding out of the saidis four bailleis"; also touching "the saidis bailleis dischairgeing of the haill inhabitantis of the toun to furneis the said David Drummond [with] meit, drink, hous or harborie." David Drummond, Johne Findlaysoun, Patrik Lyoun and David Hunter, being present, and Sir James Skrymgeour of Dudop, constable of Dundie, as procurator for the other defenders, being likewise present, are warned of the continuation; and there is order to summon such witnesses as the said David will use for proving the said matter to appear the said 25th instant, under pain of rebellion. Also, because Gilbert Gairdner, Thomas Gray, Williame Davidsoun, elder, Johne Aliesoun, baxter, Robert Young, merchant, Williame Davidsoun, younger, David Cowstoun, Patrik Lyne, taverner, James Blak, George Robertsoun and Roger Bowar, skinners, burgesses of Dundie, have failed to appear this day to bear witness in the said matter, notwithstanding the charge given to them, the order is to denounce them rebels. Acta 1601–2. Page 594.

Charge for mutual assurance between the Earl of Atholl and the Master of Ogilvy.

The "variance" between Johne, Earl of Athoill, and James, Master of Ogilvy being as yet unremoved, there is order to both parties to subscribe such form of mutual assurance as shall be presented to them, to endure till 1st June 1602, and to find sureties for keeping the same inviolate. They are to return the assurances for registration within six days after the charge, under pain of rebellion. Page 595.

William Graham against James Maxton, for payment of the price of cattle stolen from the pursuer and bought by the defender.

Complaint by Williame Grahame of Baldavie, as follows:—Johne Dow M°Kilhelich, a notorious thief, having, with certain other thieves and sorners of clans, stolen from pursuer and his tenants kye in the month of , had sold part of the same to James Maxtoun, flesher in Perth, for 168 merks. At "Andersmes" last complainer had arrested that sum in the said Maxtoun's hands, to be furthcoming to him according to law; and, as the said thieves are broken men, against whom complainer can get no execution, it is necessary for him to have his relief from Maxtoun.—The pursuer appearing by Grhame of Claverhous, his procurator, but Maxtoun failing to appear, the Lords decern against Maxton, and ordain letters of horning to be directed against him for payment of the said sum upon a simple charge of six days. Page 596.

Holyrood-house, 16th June.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Huntlie; Cassillis; Linlithgu; Wintoun; Paislay; Fyvie; Newbottle; Roxburgh; Episcopus Rossensis; Dunkeldensis Episcopus; Kinlos; Halyruidhous; Thesaurarius; Secretarius; Comptroller; Clericus Justiciarie; Custos Secreti Sigilli; Advocatus; Tracquair; Bruntiland; Spott; Collector; Geynis; Clericus Registri.

Acta 1601-2.

Commission to the Duke of Lennox of justiciary and lieutenancy within the bounds of the South and West Isles.

His Majesty has considered how the Isles of this realm, "being of auld the maist constant and suire rent and patrimonie of the Croun," are now "possest and inhabite be a now[m]er of rebellious and insolent personis, quha, being voyd of the feare and knawlege of God and of the dew obedience quhilk thay aucht to his Majestie, delytis in nothing ellis but in blud, thift, reif and oppressioun"; which Isles, "being enrichit with a incredible fertilitie of cornis and plentie of fischeis," would "rander inestemable commoditeis to this cuntrey gif the barbaratie of the savage inhabitantis thairof wald suffer and permit ane peceable trade and trafficque amangis thame." Wherefore his Majesty, "being cairfull, as it becomis him in honour and conscience, to have the saidis Ilis reducit to obedience, religioun, peace, and justice establischit and plantit within the same, and a constant and settled ordour tane anent the furtherance of the payment of his Majesteis proper rentis addebtit to his Hienes furth of the saidis Ilis, and acknowlegeing the guid inclinatioun of his darest cusing and counsallour, Ludovick, Duke of Lennox, and how that he is maist willing and reddie to imploy his panis and travellis in all thingis quhilk may import the advancement of his Hienes authoritie and service,—his Majestie having alreddie sufficient pruife of the guid and happie succes quhilk the said Duke of Lennox hes had in sic particular serviceis quhairin he hes bene imployit of befoir,"—hereby, with advice of his Council, appoints the said Duke lieutenant, justice and bailie within the bounds of Kintyre, Ilay, and other lands belonging to Anguse M°Conneill of Dunnyvaig, and within the bounds of Mull, Tirey, Icolmkill, Coll, Barra, Rachrie and lands of Moverne and Ardnamurchin, as also captain of the castle of Dunnyvaig. The commission empowers the Duke to pass, with convocation of the lieges, to the Isles, and "to chairge the haill capitanes, cheiffis and chiftanes of clannis within the saidis boundis, and sic utheris inhabitantis thairof as he sall think expedient, to compeir befoir him quhen and quhair he sall appoint, for randering thair obedience, finding suirtie for thair guid and dewtifull behaviour be pleging or utherwyse, and for making of sufficient assurance for the dew and thankfull payment of his Hienes proper rentis." He empowers him "the disobedientis to denunce to the horne, and thairefter to prosequute thame as rebellis and fugitives with fyre, suord and all kynd of hostilitie"; to demolish their houses, and expel them furth of the country; to make acts for settling the said bounds under obedience; to hold courts within the said bounds, and to pronounce decrees against the inhabitants thereof for payment of his Majesty's rents, and for poinding and distraining for the same according to law; and to cause payment to be made yearly to the Comptroller of the King's rents, mails and duties. Persons suspected of theft, reset of theft, murder, slaughter, mutilation, witchcraft, sorning, masterful reif and oppression, are to be put to the knowledge of an assize and dealt with conform to the laws. Power is also given to the Lieutenant to charge the keepers of the house of Dunnyvaig, and other houses held against his Majesty within the said bounds, to render the same, under pain of horning and treason. All

Page 597.

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and sundry within the said bounds standing at deadly feud are to be charged to give and take mutual assurances, under pain of horning. There is to be indemnity to the Lieutenant for slaughter or any other "inconvenient" committed in the execution of this commission. Publication hereof is to be made, with charge to all and sundry earls, lords, barons, and landed gentlemen within the bounds of the Lennox, Renfrew, Kyll, Carrik and Cunynghame, and to the inhabitants of burghs in the same, to rise and assist the said Lieutenant in the execution of this commission when they shall be required by his proclamation. Acta 1601-2. Page 599.

Commission to the Marquis of Huntly of justiciary and lieutenancy within the North-West Isles.

George, Marquis of Huntlie, having been found "maist willing and reddy to imploy his panis and travellis in all thingis quhilk may import the advancement of his Hienes authoritie and service," and his Majesty recognising that the said Marquis "is of guid experience and maist able be powar and force to reduce the North Ilis of this realme to his Hienes obedience," there is granted to him a similar commission of lieutenancy and justiciary over Sky, Hereis, Hert, Uist, Skalpa, Rum, Canna, Rasa, Egg, Iland Tyrum and Arissag, and also against "sic disorderit clannit men of the Hielandis nixt adjacent to the saidis Ilis as sall plainlie and avowedlie tak pairt with the saidis disobedient Ilismen aganis the said Lieutenant, and na utherwyse." In the publication hereof charge is to be given to all earls, lords, barons and substantious landed gentlemen within the shires of Aberdene, Banff, Elgyne, Forres, Nairne, Inuernes, Caithnes and Cromartie, and to the inhabitants of the burghs within the same, to assist the said Lieutenant in the execution of his commission, under pain of treason. The commission is to endure for a year from this date, and farther till his Majesty shall discharge the same. "Attour, his Majestie promeissis that, gif the said Marques of Huntlie sall effectuat this his Hienes commissioun and directioun be the perfyt setling of the saidis Ilis under his Hienes obedience and assuiring of the payment of his Majesteis proper rentis, that then his Hienes sall honorablie rewaird him according to his deservingis." Page 601

Promise by the Marquis of Huntly anent MacLeod of Harris.

George, Marquis of Huntlie, appearing before the King and Council, promises not to use the said commission against Rory M°Leud of Dunveggane, *alias* M°Cleud of Hereis, or any of his friends, till 10th August next, and farther till he receive special direction from his Majesty.

Charge to MacLeod of Harris.

Order to charge the said M°Cleud to appear before the King and Council at Falkland, or where else they shall happen to be, upon 10th August next, to render his obedience to his Majesty, and find surety for his future behaviour and for payment of the King's rents due by him for his lands. Page 602.

Charge to Colville of Easter-Wemyss to answer for his rebellion.

James Colvill of Easter Weymis, having "contempnandlie lyne at the horne this lang tyme" for non-payment to Johne Hammiltoun of Drumry of certain sums of money, and having disobeyed letters of treason executed against him for the same cause, is to be charged to answer before his Majesty at Dalkeith, on , under pain of rebellion.

"Forsameikle as it becometh all oure Soverane Lordis subjectis in

Acta 1601–2.

generall, and everie ane of thame in particular, be ane graitfull remem- Act for proclaiming the Act of Parliament appointing the 5th August as a day of annual thanksgiving for the King's delivery from the Gowrie Conspiracy: with injunctions for the due observance of that day.
berance and solemne declaratioun of the inward joy of thair hairtis, to acknawlege ony singular benefeit quhilk thay ressave at the handis of God be humble and earnest prayeris and thanksgeving to his Majestie for the same; and his Hienes acknawleging and having in memorie that inestimable favour and singular benefeit of God bestowit upoun his Majestie, and consequentlie upoun the haill body of this realme, be that miraculous and extraordinar delyverie quhilk his Majestie ressavit fra the horrible and detestable murthour and parricid attemptit aganis his Hienes persone be the traitour Gowrie and umquhill Maister Alexander Ruthven, his brother, and thair compliceis, upoun the fyft day of August last bipast: his Majestie can not forget to continew thankfull to God for the same, and doubtis not bot that all guid and loving subjectis, quha in his Majestie ar copartneris of the said benefeit, ar moved with the lyk thankfull dispositioun in prayeris and thankisgeving. Lyke as, upoun the consideratioun heirof, the Estaitis of Parliament convenit at Edinburgh, in the moneth of November last, statute and ordanit that in all tyme and ageis to cum [citation of Act 1600 c. 3, printed in Acts iv. p. 213,

Page 603.

whereby the 5th August was appointed an annual day of thanksgiving for the escape of his Majesty from the Gowrie Conspiracy]. And, least the mynd and will of his Hienes saidis Estaitis, throw default of dew publicatioun of the said Act, sould be unknawin to ony of his Majesteis guid subjectis, quha, being exceidinglie rejoysit and desyrous to mak the same notour to all the warld, sould laik a sufficient warrand to utter thair thankfull dispositioun baith towardis God and his Majestie, and to celebrat the said day in maner abovewritten, his Majestie ordanis letters to be direct to mak publicatioun of the said Act to all and sindrie his Hienes liegeis and subjectis, alsueill to burgh as land, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and utheris placeis neidfull, and to command and chairge all his Hienes saidis liegeis to keip the said fyft day of August yeirlie solemne fra all sort of handy labour, wark and serious occupatioun quhilk onnywyse may distract thame fra the forisaid exercise of thankisgeving to God; and, to this effect, that thay be admonischit the Sabboth preceiding the fyft day of August nix to cum be thair pastouris to assist the preiching and publict thankisgeving during the tyme of sermone; quhilk his Majestie ordanis to be in landwart afoir none, and baith afoir none and efter none in all burrowis townis; and that they spend the rest of the said day in all civill and lauchfull glaidnes, as thay sall find thameselffis best disposed, provyding thay use na exces, sclanderous or insolent behaviour; and that all his Majesteis magistratis, noblemen, baronis and burrowis, of ilk estait and degrie of personis, utter and declair be thair behaviour within the boundis of thair commandement, or quhair it sall happin thame to be the said day, thair thankfulnes toward God and rejoysing for his Hienes happie preservatioun wrocht sa miraculouslie be Goddis divyne providence the day foirsaid: certefeing all and sindrie personis that sall do in the contrair

heirof, ather be absenting thame selffis fra thair kirkis the tyme of sermone and thankisgeving or in the rest of thair behaviour during the said haill day, not uttering be thair actionis taikins of joy and cheirfull rememberance of the said benefeit, that thay salbe repute and haldin as unthankfull to God, unworthie of sa grit a benefeit, and suspect to have bene awaris of the detestable attempt foirsaid." Acta 1601-2.

Proclamation of his Majesty's resolution to execute most strictly in future the laws against bearing dags and pistolets.

"Forsameikle as, albeit the Kingis Majestie hes bene verie cairfull to have abolischit the barbarous and schamefull custome of beiring and weiring of hacquebuttis and pistolettis, quhilkis hes bene sa frequent and commoun ouer all the pairtis of this realme, and that his Majestie, be dyvers guid Actis of Parliament and Secreit Counsall and proclamationis publeist thairupoun, hes not onlie prohibite and dischairgit the saidis hacquebuttis and pistolettis, bot hes at all tymes, als weill in privat as publict, utterit the grit detestatioun, haitrent and miscontentment quhilk his Majestie hes ever careit againis the same, nochtwithstanding,—as his Majestie is enformed, the saidis pistolettis ar still borne and worne in Page 604. sindrie pairtis of this realme be nowmeris of undewtifull subjectis, heichlie to his Hienes offence and contempt and violatioun of his Majesteis saidis lawis and proclamationis. And, seing the hoip of ouersicht and impunitie, or dispensatioun with the personall punischment appointit be the lawis aganis the violattaris of his saidis proclamationis, hes bene ane encouragment to thame to persist thairintill, his Majestie hes now resolved and solemnelie protestit and avowit that, as his Hienes, according to his proclamationis publeist in Fyffe and Lowtheane, hes causit use exemplare and condigne punischment according to the lawis upoun all sic malefactouris and offendaris as hes bene apprehendit, and that without respect of personis, and quhen his Majestie, upoun mony respectis, mycht have been moved to have piteit and spairit sum of the saidis malefactouris, evin sua his Hienes intendis with the lyke force of justice and exemplare punischment to proceid aganis all sic personis as sall preis to violat his Hienes proclamationis maid aganis the [? beiring of] pistolettis, and his Majestie will nawyse suffer ony sic contumelie or contempt to be done to his Hienes and aganis his lawis heirefter, bot sall caus use the rigour of the law aganis thame, and na compositioun nor satisfactioun of geir nor na uther respect quhatsumever sall liberat thame fra the personall punischement appointit be the law,—quhilk is the cutting of the rycht hand for the first fault,—bot the same salbe execute upoun thame without favour or mercy. Quhairof his Majestie hes thocht guid to mak all his Hienes subjectis acquentit and foirsene, and luikis that na man wilbe sa blind and folische as now to persuad or assuire himselff of ony ouersicht or dispensatioun heirafter. And that letters of publicatioun be direct heirupoun in forme as effeiris."

Action against Archibald and Alexander Napier for an assault on a servant of the Lord Treasurer

Complaint by Alexander, Master of Elphingstoun, treasurer, as follows: —Notwithstanding the Act of Parliament ordaining the penalty of death for striking or hurting any one in the outer tolbooth of Edinburgh during the sitting of the Session (1593 c. 23 iv. p. 22), Archibald

Acta 1601-2. Naper, son and apparent heir of Johnne Naper, fiar of Merchinstoun, and Alexander Naper of Lowreistoun, son of Sir Archibald Naper of Edinbillie, being in the outer tolbooth of Edinburgh while the Lords were in the Tolbooth of Edinburgh.

Page 605. administering justice, and finding Johne Hepburne, servant to the said Treasurer, upon the stair-head of the said tolbooth, "come upoun him, and with grit force and violence dang him fordward ouer the stairheid, to the grit hazard and perrell of his lyfe and breking of his bones," and with the effect that, by his fall from the head to the foot of the stair, he had been "verie havelie hurt and birsit in dyvers pairtis of his body."—The Treasurer and the said Archibald appearing, but not the said Alexander, the King and Council assoilzie the said Archibald, because the pursuer, though producing divers witnesses, has failed in his proof. In respect of the non-appearance of the said Alexander, they order him to be denounced rebel; immediately after which, charge is to be given to his

Page 606. father, the said Sir Archibald, who is answerable for him as not forisfamiliated, to enter him before the King and Council upon 23rd instant to answer to the said complaint, under pain of rebellion.

Against Gavin Ralston and Mr. John Gilchrist for using fire-arms.

Action by Alexander, Master of Elphingstoun, treasurer, setting forth that Gawin Ralstoun, younger of that Ilk, and Mr. Johne Gilchryst, sometime schoolmaster of Paisley (*cf. ante*, p. 171), in April last, within the said burgh, "schot and dilaschit pistolettis and culveringis, ather of thame at utheris."—The pursuer and the schoolmaster appearing, but not Ralstoun, the order is to denounce him rebel.

Action against Dandie Young and others for shooting at one another with fire-arms.

Page 607. Action by the Treasurer against Dandie Young of Cavertoun and Dandie Young of the Know, on the one side, and Thomas Rutherfuird of Hunthill, younger, Williame and Robert Rutherfuirdis, his brothers, Williame Rutherfuird of Litleheuch, Adame and Williame Rutherfuirdis, his sons, Robert Rutherfuird of the Toftis, George Rutherfurd of Faringtoun, Nicoll Rutherfuird, brother of the young laird of Edzerstoun, Andro Rutherfuird, called Philp's Andro, Johne Rutherfuird in Nether Ancrum, younger, on the other side, for having, upon day of , at a horse-race at Strokstruther in Teviotdaill, "schot and delaschit, ilk ane at utheris, pistolettis and hacquebuttis."—All appearing except Williame, son of Rutherfuird of Litleheuch, Nicoll Rutherfuird, and Philp's Andro, and confession having been made by the said Thomas Rutherfuird and the two Dandies that they had shot pistolets as above, but all the others present having denied the charge, the King and Council ordain the said Thomas to be committed to ward within 24 hours in the castle of Edinburgh and the said Dandies in Blaknes, there to be detained

Page 608. till his Majesty's will be declared concerning them.

Against Auchmoutie of Halhill and others for alleged violent seizure and detention of Mr. George Durie, parson of Carnebie:

Complaint by Mr. George Durie, parson of Carnebie, and by Alexander, Lord Home, Dame Cristeane Douglas, his spouse, Williame Moncreif of that Ilk, Johne Strang of Balcaskie, Alexander Mairtene of Giblistoun, for themselves, and for the other parishioners of Carnebie, as follows:— There being divers actions depending before the Lords of Council and Session between the said parson and the said parishioners, on the one

defenders assoilzied.

part, and Andro Weymis of Myrecairny on the other part, anent the rights to the teindsheaves of the said parish, and the said parson having been on his journey to Edinburgh on the 3rd instant to attend in the said matter, and "comeing out neir to the toun of Kinghorne," Johne Auchmmowtie, younger of Halhill, Daniell Auchmowtie, Mr. Florence Auchmmowtie and Robert Auchmmowtie, his brothers, Peter Nairne in Newtoun, Thomas Lumisdaill, younger of Pittilloch, Gawin Weymis, son of James Weymis of Caskeberrie, George Balfour of Balloch, and Michaell Balfour of Bandon, with their accomplices, to the number of 15 or 16 persons, armed, waylaid the said Mr. George, as he was coming to the ferry of Kinghorne, took him prisoner, and will not yet suffer him to have his liberty, so that he is debarred from pursuit of the said actions.—Parties having been called upon 11th instant, and the said Lady Home, Moncreif of that Ilk, and Strang of Balcaskie having appeared for themselves and the other pursuers, and the defenders being all present, the latter had produced the said parson; who, in presence of the Council, declared that he had not been taken captive or detained by the said persons, but, having forgathered with them beside the town of Kinghorne, had of his own free will "past to thame as to his freindis," and that he "desyrit still to remaine and abyd with thame." He had been "thairefter examinat upoun the said mater be the Kingis Majestie"; and now, the King and Council, in respect of the said confession, assoilzie the defenders simpliciter.

Acta 1601-2

Page 609.

Edinburgh, 18th June.

Sederunt—Lennox; Cancellarius; Angus; Mar; Wyntoun; Fyvie; Newbottle; Roxburgh; Thesaurarius; Secretarius; Episcopus Rossensis; Kinlos; Halyruidhous; Comptroller; Collector; Tracquair; Custos Secreti Sigilli; Justiciarie Clericus; Dominus Robertus Melvill; Spott; Sir Patrik Murray.

To denounce John Vaus and others for not answering to charges of assault, violence, and spuilyie.

Complaint by Andro Broun in Fornoch, as follows:—In 1598, Johne Vaus of Fornoch, Thomas Vaus, his brother, and Jeane Maxtoun, his mother, came to complainer's house in Fornoch, and there wounded him and his wife, whereby his wife had died within eight days. Farther, the said Jeane and Thomas had come to complainer's barn and spuilyied therefrom ten bolls of oats and five bolls of bear; and, in August, September and October last, they took from him 12 sheep; and, to the effect they might make him and his bairns beggars, and therefore unable to suit redress, they had violently intromitted with his whole corns growing upon the part of the lands of Fornoch occupied by him, extending to 12 bolls oats of sowing. Moreover, in June last, Johne Broun at the Mill of Gorthie had reft from complainer his milk cow; and, when complainer was suiting restitution before the steward of Stratherne, Thomas Vaus violently took from him his horse, worth £20. Thus, in fact, the said persons have left complainer nothing, so that for want and fear of his life he cannot sue.—The pursuer appearing, but none of the defenders, the order is to put them to the horn.

Page 610.

Acta 1601-2. Page 611.

Thomas Cairns against Mercer of Aldie for not entering one his men who is at the horn.

Action by Thomas Cairnis, burgess of Edinburgh, as follows:—Upon 14th November 1598, Andro Young in Drummaquhair had been put to the horn for not answering to a charge of having sold the pursuer certain linen cloth which he had stolen. As the said Andro remains at the horn, and as he is tenant of Lawrence Merser of Adie, Merser, and James Young, his father, are bound to produce him.—Merser, appearing by Merser, his procurator, is assoilzied on the ground, pleaded for him by his procurator, that he could not produce Young, because Young had been apprehended for theft by Johne, Earl of Atholl, as is proved by the production of a testimonial, subscribed by a number of the ministers of the presbytery and certain of the elders of the kirk of Dunkeld, to the effect that Young, for stealing a horse from Thomas Wod, servitor to the Laird of Comeistoun, had been committed to ward in the castle of Dunkeld, where he had been detained several weeks, till, upon 5th instant, he broke the prison door and "convoyit himselff oute at ane heich window of the said castell with a tow."

Page 621.

The provost and bailies of Jedburgh against Turnbull of Bewlie and others for violence and contempt of the laws.

Complaint by the provost and bailies of Jedburgh, as follows:—Upon 28th April last, Andro Turnbull of Bewlie, armed with two pistolets, came to Williame Broun, one of the bailies, while he was walking with his son, without armour, and presented one of the pistolets at him,—"quhilk misgaif." Turnbull "had not faillit to have slane" complainer, "wer not be the providence of God he eschaipit; and, seing he could not get ane advantage of the said balyie, he with the dogheid of his uther pistolet gaif his sone a deidlie straik upoun the heid and almaist fellit him thairwith"; besides which he had "reft" both their cloaks. Again, the said Turnbull, accompanied by Hector Turnebull, his brother, and his accomplices, all armed with secrets, steelbonnets, long hagbuts and pistolets, came in "braging maner" to the said burgh, resolved on "sum new persuit aganis the said bailyie"; on which occasion the pursuers, being advertised, sent Johnne Allastoun, another of their bailies, to the said Turnebull, desiring him and his accomplices to withdraw, or else to enter in ward till order should be taken with him for his first offence. They had not only refused, but had all come "to the gait with thair bendit pistolettis and drawin suordis in thair handis, braging and manassing to invaid and persew all sic as should preis to find fault with thame, thay having in the meantyme grit nowmeris of thair freindis upoun the streitis and in houssis of the said burgh, awaiting to have assisted thame in cais thay had bene straitit." At last, "thay being put af the gait be the force of the honest nychtbouris of the towne, thay reteirit thamselffis towardis the house of Williame Rutherfuird"; which Rutherfuird, "forgetfull of the aith and promeis of fidelitie maid be him quhen he wes ressavit ane member of thair toun," not only "perjuritlie resset" the said persons in his house, but assisted them in keeping the house against the pursuers. They kept it "as ane hous of weir" a long space; and at last "secreitlie convoyit thameselffis away at ane bak yet, schoiring and avowing, with mony horrible and blasphemous aithis, to tak the advantag of

the haill honnest inhabitantis of thair toun, as thay may find thame travelland in the cuntrie." And now, , bailies of Jedburgh, appearing, and Hector, Andro, his brother, and Williame Rutherfuird being also present, and defenders having confessed to the wearing of hagbuts at the said time, the order is to commit them to the tolbooth of Edinburgh, there to remain at their own expenses till his Majesty take farther order. Acta 1601-2 Page 613.

Cockburn of that Ilk and certain others sued for using fire-arms.

Representation by Alexander, Master of Elphingstoun, treasurer, that Williame Cokburne of that Ilk, and Johne and David Cokburnes, his brothers, on the one side, and James Davidsoun, called of Birnerig, and James Davidsoun in Nodday, on the other side, while "playand at the fute-ball" in Lochtoun in the Mers, "fell in contentioun and contraversie, ilk ane with utheris, and schot and dilaschit pistolettis and hacquebuttis." —The pursuer and the Cokburnes appearing, but not the Davidsons, the order is to assoilzie the Cokburnes, because the said David Cokburne, who has confessed the shooting of the said pistolet, had shot the same in pursuit of the said James Davidsoun of Burnerig, a common thief and fugitive from the laws. The said Davidsons are to be denounced for non-appearance. Page 614.

Charge to John Kennedy and another to appear and answer for bearing fire-arms and resetting rebels.

Order to charge Johne Kennedie of Balquhane, and Kennedy of Girvenmanis, his good-son, to appear before the King and Council and answer for wearing hagbuts and pistolets, and for resetting Johne Kennedie, apparent of Balquhane, rebel, charged with the slaughter of the provost of Wigtoun, and also for the reset of Williame Cunynghame of Tourlandis, fugitive from the laws, and of Jerdanes, sons of Thom Jerdane.

Charge for assurance between Stewart of Garlies and certain others.

Because of the "variance" between Stewart of Gairleis, Vaus of Barnebaurauch, and Ahannay of Sorbie, on the one side, and Johne Kennedy, elder of Balquhane, and Johne Kennedie, his son and apparent heir, on the other side, there is order to charge both parties to subscribe and deliver to one another such form of assurance as shall be presented to them, to endure till 1st June next, within six hours after the charge, under pain of rebellion. Page 615.

Edinburgh, 25th June.

Sederunt—Cancellarius; Angus; Cassillis; Wyntoun; Fyvie; Thesaurarius; Secretarius; Blantyre; Episcopus Rossensis; Advocatus; Clericus Justiciarie; Custos Secretî Sigilli; Tracquair; Spott; Sir Patrik Murray; Comptroller; Elimosinar.

To denounce Andrew Wood for not appearing to a charge of violence and murder.

Complaint by Castin Gropinhome, skipper, Dutchman, against Andro Wod, spouse of the Lady Rasyth, as follows:—The complainer's ship "being lyand at Sanct Margaretis Hoip neir his hous," the said Andro Wod "come to his schip upoun Sonday last, about ellevin houris befoir none, and wald have the said complenar and ane uther skippar of ane uther schip to his hous to dyne with him: quhilk thay did, and dynit and sowpit with him and returnit againe to thair schippis saiff. Nochttheles, upoun quhat occasioun the said complenar knawis not, the said Andro

Acta 1601-2. Wod, being led and careit with ane evill sprit as appeirit, come in in the said complenaris schip, with thrie [? others] and himselff, about tuelf houris at evin, enterit in quhair he wes lyand sleipand in his bed, knawand nathing, dang the said complenar with his handis sindrie tymes upoun the face, misusit him and his haill cumpany, tuik his compas and nycht glas, brak thame, and kaist thame in the sey, and said that he sould droun and brek thair schip upoun the craigis. And thairefter, not being contentit thairwith, thay prayand him for Godis caus to let thame allane and that thay wald not mell with him for feir of cummer, he gaid to cut thair taickillis; and, the marineris staying him to do ony forder skaith, in the meanetyme he tuik out a knyfe of his boyis scheith and strak ane of the marineris in the
Page 616 belly, be the quhilk straik he is lyand deid in thair schip."—The pursuer appearing by Archibald Dowglas, his procurator, the defender, for not appearing, is to be denounced rebel.

To denounce John Neilson and other inhabitants of Dumfries for not answering to a charge of lawlessness and violence in the said burgh.

Complaint by Johne Merschell, bailie, and Robert Quhincerstanes, burgess, of Drumfreis, as follows:—Upon 3rd February last, while the said Robert was walking in the high street of Dumfreis, Johne Neilsoun, tailor, burgess there, armed with weapons, pursued him of his life, mutilated him in both hands, and gave him "ane maist dangerous straik in the heid." Afterwards, the said Johne, casting off all sense of obedience to his oath of burgess-ship, "proudlie and contempnandlie resortit up and doun the streitis of the said burgh, bodin and furneist with a lang hacquebute and ane pair of pistolettis, braging and mannassing all sic personis as preist to find fault or querrell him for the persute and mutilatioun of the said Robert." The said Johne Marschell, having, with the concurrence of the other bailies, sought to apprehend the culprit, had been searching for him upon 30th April last, when the said Neilsoun "bendit his hacquebuttis, quhairwith he schot the said Johne Marschell athortour the clothis at his breist." He had then fled; and ever since, aided and maintained by Johne Neilsoun, tailor, Robert Forsyth, tailor, Robert Cowpar, mason, Johne Lamb, goldsmith, Michaell Andersoun, Johne Mairtene and James Kennoquhy, tailors, burgesses of Dumfreis, he daily resorts to the said burgh, and lies in wait to bereave the complainer of his
Page 617. life.—The pursuer appearing, but neither Neilsoun nor any of his abettors, the order is to denounce them rebels.

Edinburgh, 29th June. Assurance between Donald Gorme and MacLeod of Harris.

On account of the "variance" lately fallen out between Donald Gorme of Sleta and Rory M^{c}Cloyd of Dunvegane, there is order to charge both parties to subscribe and deliver to one another, within six hours after the charge, under pain of rebellion, such form of assurance as shall be presented to them, to endure till 1st July 1602.

Holyrood-house, 29th June. Anent the number of their Majesties' servants and their fees.

The Lords find meet that there shall be two master households to the King, two to the Queen, two master stablers to the King, two to the Queen, six gentlemen to the King, and six to the Queen, and that these shall be paid annually as follows:—master household 500 merks, master stabler 400 merks, and gentleman servant 300 merks; two parts to be

paid yearly by the comptroller, and the third by the treasurer, "according to the ancient custome." The payment is to begin next year; and the comptroller is ordained to pay yearly his proportion furth of the King's rents resting in his hands over and above his furnishing for the expenses of their Majesties' houses. Acta 1601-2.

Holyrood-house, 1st July.

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Fyvie; Thesaurarius; Secretarius; Sir George Home; Comptroller; Sir Patrik Murray. Page 618.

Transference of certain escheats to the Comptroller.

The King and Council ordain that the escheats of all persons to be denounced for not paying to the comptroller the maills, ferms, rents and duties of his Majesty's property, shall hereafter be wholly intromitted with by the comptroller for his Highness's use, and that the treasurer shall have no melling therewith. Accordingly, the treasurer is ordained to dispone the escheats of all such persons to the comptroller without payment of composition.

Anent the "buist," with the letter of gift, sent from Flanders at the baptism of the Prince.

The King and Council, understanding that the "buist of gold with the letter of gift directit and send frome the Estaitis of the Law Cuntreis at the baptisme of the Prince, his Majesteis darrest sone," had been put in the hands of the late Sir Williame Keith of Delnyis, who had committed the same to the keeping of Johne Gourlay, burgess of Edinburgh, upon his band to deliver the same when required, "and seing the said buist and wryting properlie appertenis to his Majestie, and that his Hienes and na utheris hes ony interest thairwith," ordain Gourlay to deliver the same to Sir George Home of Spot, master of the King's wardrobe, to be kept for his Majesty's behoof.

Edinburgh, 2nd July.

Sederunt—Lennox; Cancellarius; Cassillis; Fyvie; Newbottle; Master of Paislay; Uchiltrie; Thesaurarius; Episcopus Rossensis; Blantyre; Halyruidhous; Clericus Justiciarie; Kinlos; Secretarius; Collector; Bruntiland; Spott; Sir Thomas Erskene; Kilsyth; Elimosinarius; Tracquair; Clericus Registri; Privy Seal.

To denounce Hew and George Methven.

Hew and Georg Methvenis, dwelling beside Methven's Coble, having failed to answer this day touching the crimes of theft, reset of theft, witchcraft and sorcery, laid to their charge, are to be denounced rebels. Page 619.

To denounce Mr. James Hamilton for not appearing to answer a charge of provocation to assault.

Representation by Alexander, Master of Elphingstoun, treasurer, as follows:—Upon 4th June last, while his Majesty was in the inner house of the tolbooth of Edinburgh, sitting with the Lords in the administration of justice, Mr. James Hammiltoun, son of James Hammiltoun, burgess of Linlithgow, "being within the said tolbuith and entering in conference with Johne Dundas of Newlistoun," at last, "efter some hot languag past betuix thame," without regard to the place and his Majesty's presence, "gaif the said Johne Dundas ane ley; quhairupoun followit the cuffe quhilk the said Johne Dundas gaif to him." Now, as his Highness has

Acta 1601 2. begun to cause try and punish Dundas for the said cuff, it is proper that Hammiltoun, who gave the first occasion of offence, should likewise be
Page 620. tried and punished.—The pursuer appearing, Hammiltoun, for not appearing, is to be denounced rebel.

George Simson, Englishman, against Robert Kay, for appropriating victuals intrusted to him for delivery.

Action at the instance of George Simsoun, indweller in Beverlay in England, as follows:—Having received from Robert Kay, burgess of Dysert, in name of Andro Creich, merchant, burgess of Edinburgh, the sum of £251 sterling, pursuer had delivered to Kay 148 quarters of beans for the use of Creich. But Kay, having brought the said victual within this realm, had "fraudfullie and maliciouslie" sold the same for his own behoof, "leaving thairby the puire stranger in danger of the said sowme and interest thairof for the not delyverie of the said victuell." It is further reported that Kay, "being cairles of the said complenar becaus he is a straugear," intends shortly to go abroad with his ship, and to traffic with the interest of the said victual.—The pursuer appearing by Mr. George Tod, and the defender being also present, the Lords remit the matter to the judge ordinary.

Resumption of the case of David Drummond, messenger, against the inhabitants of Dundee: the defenders assoilzied.

Page 621. Resumption of the case of David Drummond, messenger, against certain inhabitants of Dundee, for having maltreated him in the execution of his duty at the market cross of Dundee, and for having discharged the whole of the inhabitants of the town from furnishing him with meat, drink, house or harboury (*ante*, p. 253). To the previous particulars of the complaint it is added that, "efter he had tane his ludgeing in Peter Wodderburne and in thrie or foure other houssis of the toun, howsone the awnaris of the houssis understuid quhat he wes, thay immediatlie pat him furth of thair houssis, sua that for a lang space he could get na ludgeing."—Charge had been given to David Hunter, merchant, Robert Goldman, David Mudie, deacon of the tailors, Alexander Carnegy, Thomas Jak, Robert Jak, Robert Flescheour, Williame Hunter, elder, Peter Wodderburne, taverner, Thomas Hunter, James Man, Johne Schewane, Johne Findlaysoun, Williame Man, and Williame Duncane, bailies of Dundie, Johne Lovell, *alias* Dutch Hanis, Johne Craigtoun, Patrik Lyoun, Patrik Wodderburne, Patrik Wodderburne, his son, Thomas Young, merchants, Andro Flescheour, Robert Kinlochie, Thomas Man, Peter Man, David Man, sons of the said Williame Man, bailie, Thomas Mylne, Williame Spens, Alexander Jak, David and Patrik Yemanis, Johne Yeman, younger, and Robert Wedderburne, to appear and answer. And now, the said David
Page 622. Drummond appearing, and the said Johne Findlaysoun, Patrik Lyoun, and David Huntar, being also present, and the other defenders appearing by Sir James Skrymgeour of Dudop, constable and provost of Dundie, the Lords assoilzie all the defenders, because, the libel having been admitted to the probation of the pursuer, and divers witnesses being produced on his behalf, he has failed in his proof.

To denounce Alexander Cunningham and others for not answering

Complaint by Thomas Coring, Englishman, in Chester, as follows:—In April last, when he had arrived in this realm with his barque, laden with certain merchandise, and was lying in the Water of Clyde, hoping, in

to a charge of spuilyie furth of an English ship lying in the Clyde.

respect of the peace between the two realms, "to have bene freindlie and courteouslie usit at the leist," James Cunynghame in Innerkip, Cunynghame, his son, there, Robert Cunynghame there, Robert Stewart there, Johne Stewart and Johne Urie there, entered the said ship and violently reft the goods underwritten, of the prices following in sterling money:—viz., coined gold and silver out of three purses, £31, 10s.; cockboat, with her oars and sail, £10; 2 cwt. "birskett breid" and 1 cwt. chese, £4; 4 muskets, £4; certain shot of powder, 20s.; cloak, mantle, and gown, 40s.; linen yarn, 30s.; 2 picks, 1 bill, 2 pick axes, 1 axe and 1 pick pot, worth ; lantern with candle, 4s.; chest, with four pair of shanks, "five sark nekis, ane sark, ane nycht cop, ane pair of buittis, with ane pair of schone," 40s.; butter and fish, 5s.,—all over and above three chests containing the clothing of the complainer and his "equippage": which goods were resetted by Hector Cunynghame in Fynnok, Johne Cunynghame there, Hector Cunynghame, his son-in-law, and Alexander Lyoun in Gorok. The reivers above named had been immediately apprehended by James Craufurd, younger of Flottertoun, and Robert Stewart of Crystiswall, and detained by them in prison for a certain time; but at last, "be collusioun betuix thame," they had escaped. The said Craufurd and Stewart ought therefore to be held answerable.—Charge had been given to the said Alexander Cunynghame in Innerkip, Robert Cunynghame there, Robert and Johne Stewartis there, Hector Cunynghame in Fynnok, Johne Cunynghame, his son-in-law, Alexander Lyoun in Gorok, James Cunynghame in Innerkip, and James Urie there, to appear and answer; and now, the pursuer appearing, but the said defenders not appearing, the order is to denounce them rebels.

Acta 1601–2.

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Evidence wanted against Andrew and Hector Turnbull, now in ward for theft.

His Majesty, continuing in that "guid dispositioun quhilk be his formar proclamatioun wes signifeit to all his Majesteis subjectis anent the punischeing of thift, reif and oppressioun," has caused Andro and Hector Trunebullis of Bewlie to be committed to ward as suspected guilty of the said crimes (*ante*, p. 233). Proclamation is therefore ordered at Jedburghe, Hawik, Selkirk, Peiblis, Lauder and other places, warning all the lieges who have any complaints or information against the said persons to give in the same to the Chancellor by , with certification that, if they fail, the default of justice will be owing to themselves.

Lord Ochiltree against Lord Loudoun for violation of the assurance between them: decree of absolvitor.

Action by Andro, Lord Stewart of Uchiltrie, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—Hew Campbell of Lowdoun, sheriff of Air, had, for himself and his dependers, by his letter dated at Newmylnis 4th January last, assured the indemnity of Lord Uchiltrie and his men till 1st January 1602, under pain of infamy and of 10,000 merks. Yet, upon day of , Johne Campbell in and Thomas M°Lauchie there, within the barony of Mertoun, belonging to the said Sheriff, and both of them his men, had come, armed with hagbuts and pistolets, to the lands of , where James Gib, servant of Lord Uchiltrie, chamberlain of the barony of Erlstoun, and his court clerk of the lordship of Uchiltrie, was occupied in his

Page 624.

Acta 1601-2. said master's affairs; and there the said Johne Campbell with a drawn sword had wounded the said Gib in the right hand, and the said Thomas M^cLauchie had hurt him with a "graip in the thie," and the accomplices of the said persons had given him "mony bauch and blaa straikis with
Page 625. rungis, staffis and thair neiffis, and in effect left him for deid."—The pursuers appearing, as also Hew Campbell, now Lord of Lowdoun, the Lords assoilzie the defender, because Lord Uchiltrie has not "qualefeit the said James Gib to be his man,"—Gib being, in fact, tenant of the Laird of Symontoun, and being also an officer of arms subject to serve all the lieges, and the injury foresaid to him not having been in any particular between Lord Uchiltrie and Lord Lowdoun, but while he was executing a precept of poinding raised at another man's instance, wherein neither of the said parties had any interest.

Case of Andrew Brown against John Vaus and others.

The 16th July instant is assigned to Andro Broun in Fornoch for proving the summons raised by him against Johne Vaus of Fornoch, Thomas Vaus, his brother, Jeane Maxtoun, his mother, and Johne Broun at the
Page 626. Mill of Gorthie (*ante*, p. 260). Letters to be directed to summon such witnesses as the pursuer will use.

Napier of Edinbillie ordered into ward for not having entered his son Alexander, rebel, for a certain offence.

Charge had been given to Sir Archibald Naper of Edinbillie, father of Alexander Naper of Lowreistoun, to enter the said Alexander to answer for his assault on Johne Hepburne, servitor to Alexander, Master of Elphingstoun, treasurer, within the tolbooth of Edinburgh upon 10th June while the Lords were administering justice, for which offence the said Alexander has been put to the horn (see *ante*, p. 258).—The Treasurer and Sir Archibald both appearing, the latter alleges that he cannot be held answerable, because, immediately after the said deed, his said son, in respect of his father's "wraith and anger," had left the house and has not been in his company since. This having been denied by the Treasurer, and the matter having been referred to Sir Archibald's oath, and he having then confessed that his son, accompanied by six persons, did come to his chamber in Edinburgh one night since the charge given him for his said son's entry,—"he and his wyfe being gangand to thair beddis
Page 627. for the tyme, accumpaneit onlie with a servand woman," so that he could not then apprehend his said son,—the Lords, in respect of this confessioun, ordain Sir Archibald to keep ward in Edinburgh till his Majesty be made acquainted with the fact, and declare his will.

Erskine of Gogar and Livingstone of Kilsyth admitted of the Council.

Sir Thomas Erskin of Gogar and Sir Williame Levingstoun of Kilsyith, being admitted to be of the number of the Privy Council, by his Majesty's direction in writing sent to the Council, and being both present, give their oaths *in communi forma*.

Holyroodhouse, 8th July.

Sederunt—Lennox; Cancellarius; Angus; Ergyll; Fyvie; Uchiltrie; Episcopus Rossensis; Blantyre; Haliruidhous; Advocatus; Tracquair; Comptroller; Sir Thomas Erskene; Bruntiland; Sir Patrik Murray; Kilsyth; Elimosinarius.

Lords Spynie and Loudoun admitted of the Council.

Alexander, Lord of Spynie, and Hew, Lord of Lowdoun, being received and admitted to be of the Privy Council by warrant from the King, and being both present, give their oaths *in communi forma.* Acta 1601–2.

Edinburgh, 9th July.

Sederunt—Cancellarius; Ergyll; Uchiltrie; Fyvie; Newbottle; Magister de Paislay; Lowdoun; Secretarius; Thesaurarius; Blantyre; Haliruidhous; Comptroller; Tracquair; Spott; Clericus Justiciarie; Kinlos; Advocatus; Bruntiland; Sir Patrik Murray; Privy Seal.

The Treasurer against Wood of Craig for impeding the designation of a manse and glebe to the minister of Fordoun.

Complaint by Alexander, Master of Elphingstoun, treasurer, as follows:—Mr. Adame Walker, minister at Fordoune, having gone, with certain other ministers of the presbytery of , upon 26th March last, to the parish kirk of Fordoun, for designating a manse and glebe to the said Mr. Adame, conform to the Act of Parliament, Sir David Wode of Craig, accompanied by Johne and James Keiris and Johne Richie, his servitors, came upon the said ministers, "and invaidit and dang thame, and pat violent handis in the said Mr. Adame," carrying him with them and detaining him for a time.—The Treasurer and minister appearing, and also Wode and the Keiris, as charged, and the minister having declared that he would concur with the Treasurer in pursuit of the said libel, and having passed from the part thereof touching his abduction and detention, the Lords remit the matter to the Justice and his deputes, and ordain the defenders, before passing home, to find caution to underlie the laws before the said judges upon the third day of the next justice air of the shire where they dwell, or summarily upon 15 days' warning,—the Laird of Craig in £1000, and the said Johne and James in £500 each. Page 628

To denounce William Douglas and others for not answering to a charge of violence and oppression.

Complaint by Jonet Kirkpatrik in Templand that Williame Dow Glas, brother natural of the Laird of Drumlangrig, Rodger Padyen in the Linburne, and Johne Padyen, his son, with certain others, upon 6th June last, came to her house and yard in Templand, and violently pulled out by the root certain green lint sown by her in the said yard, and afterwards broke up the doors of her house, entered the same, and destroyed her pots and pans and the rest of her plenishing, intending to compel her to leave her said house, yard and little piece of land lying thereto, or to make the same unprofitable to her.—The pursuer appearing, the defenders, for not appearing, are to be denounced rebels. Page 629.

Holyrood-house, 11th July.[1] Charge to William MacLellan.

Williame M°Clellane, tutor of Bombie, having apprehended Williame Irwing, called Dick's Willie, a notorious thief, is to be charged to enter

[1] The day before this entry, viz., July 10, the Duke of Lennox had embarked at Leith on an embassy to France, "accompanied with a traine of manie gentlemen," Calderwood says (vi. 136). Among these were Sir Thomas Erskine of Gogar and Sir William Livingston of Kilsyth, who had been admitted of the Privy Council only eight days before (*ante*, p. 267). Mr. John Spotswood, then parson of Calder, afterwards Archbishop Spotswood, went with the Duke as chaplain to the embassy; and there is an account of it in his History, pp. 465–466. It was, he says, "rather for confirming the old amity and friendship than for anv business else."

Acta 1601 2. the said Irwing before the Council, that he may be delivered to the Justice for trial.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Spynie; Halyruid-hous; Secretarius; Clericus Justiciarie; Collector; Advocatus; Custos Secreti Sigilli; Elimosinarius. Edinburgh. 14th July.

Charge to the Lairds of Grant, Mackintosh, and Kilravock, to enter certain malefactors of the name of Ross, resetted within their bounds.

The King and Council being informed of the "barbarous and cruell murthouris, slauchteris, depredationis, oppin and avowed reiffis and heirschipis, committit upoun his Hienes peceable and guid subjectis inhabiting within the boundis of the schirefdomes of Elgyne and Forres, be David Ros Williamsoun, Rose, his brother, Allaster Ros M°Wattie, Johne Ros and utheris thair compliceis, all theiffis, fugitives, broken men and sornaris of clanis, to the wrack, miserie and undoing of mony honnest trew men, sometyme substantious houshalderis, and to the laying waist of dyvers
Page 630. weill pleneist boundis and possessionis, heichlie to his Majesteis offence," and considering that, albeit by Act of Parliament it is ordained that any landlord or bailie resetting fugitives with stolen goods shall be held bound for their presentation to justice (1587 c. 59 iii. p. 461–7), and that by another Act every thief, sorner or limmer shall be esteemed the man of any landlord on whose ground he has been knowingly resetted twelve hours together (1594 c. 37. iv. p. 72), yet the said offenders reside within the bounds and possessions of Johnne Grant of Freuchie, Lauchlane M°Intosche of Dunnachtane, and Williame Ros of Kilraak, "and bringis the haill heirschipis liftit be thame fra his Hienes peceable and guid subjectis to the same boundis, quhair thay sparpall and dispone thairupoun at thair
Page 631. plesour": there is order to charge the said Lairds of Grant and M°Intosche and baron of Kilraak to enter the said malefactors before the King and Council upon day of , that they may be delivered to the Justice, and also to appear themselves personally upon the said day and find sufficient caution to observe the said Acts, under pain of rebellion.

Approval of the articles anent the making of cloth presented by the Commissioners of the Burghs.

George Todrig, Thomas Speir, and Johne Bowiesoun, bailies, with some of the council, of Edinburgh, and with certain Commissioners of Burghs in name of the commissioners of the whole of the burghs of the realm, having appeared and presented the articles underwritten to his Majesty,—who, after having considered the same, has "recommendit" them to the Lords of Council "be ane directioun in wret" from his own hand,—the said Lords, "finding the same to be verie ressonable and tending to the furtherance of the wark of the making of claith interprysit and tane in hand be the saidis burrowis, to the commone wele and benefeit of the haill realme," agree to the said articles and ordain them to be registered and to have the
Page 632. force of Acts of Secret Council: of which the tenor follows:—(1) The Act of "restraint of the woll" made in February 1601 to be executed and approved in Parliament, and the burghs to have power "to sett doun penalteis aganis thair nychtbouris, contravenaris thairof." (2) No exaction,

custom or duty, to be taken or imposed upon the "claith or uther stufe maid within the realme and not transportit furth thairof." (3) The "visiting, trying, comptrolling and seilling of the claith" to be committed to the magistrates of the burgh "quhair the same is wrocht," and to their deputes only; and, if any gift be passed in prejudice thereof, the same to be annulled. (4) Because the "burrowis and strangearis hes imployit, and ar to imploy, Alexander Huntar to the furtherance of this commoun caus," the King and Council will take the said Huntar "in thair protectioun," to be untroubled for the debts of Thomas Foullis and Robert Jowssy, for whom he is cautioner only till 1st August 1602. Acta 1601-2.

Suspension of horning against William Hay of Limplum, anent payment of taxation to Lord Hay of Yester.

Complaint by Williame Hay of Lumplum, as follows:—He is charged, under pain of rebellion, to pay to James, Lord Hay of Yeister, for his lands of Lumplum, the sum of £14 for his part of the taxation of 200,000 merks, and the sum of £7 for the same lands for his part of the present taxation of 100,000 merks. Now, the complainer's lands of Lumplum extend only to a forty shilling land, as his retour bears; the tax whereof, at 40s. *per* poundland, for the taxation of 200,000 merks, will extend only to £4, and at 20s. *per* poundland for this present taxation of 100,000 merks, only to 40s. The said Lord, in the last taxation of £200,000 granted for the Prince's baptism, had acknowledged his said lands to extend only to forty shilling land, as his acquittance shows. At the same time, the complainer has consigned the sum charged for in the hands of Archibald Prymrois, to be delivered to the said Lord in case it shall be found really due.—The complainer appearing personally, and the defender by Mr. George Butler, his procurator, and the complainer having produced letters of horning he has obtained against Lord Yester for not finding lawburrows to him, and having therefore protested that the said Lord can have no process in this action till he is relaxed from the said horning, the Lords admit the protest, and therefore suspend simpliciter the said letters raised by Lord Yester against the complainer. They also ordain James (? Archibald) Prymrois, writer, in whose hands the sum abovewritten is consigned, to deliver to the said Lord the sum of £6 for the tax of the said lands for the two taxations above specified, and to return the rest to the complainer for his own use. Page 633.

Suspension of horning against Neilson of Craigcaffie in the matter of his dues for taxation to the Earl of Cassillis.

Complaint by Johne Neilsoun of Craigcaffie, as follows:—He is charged, under pain of horning, by Allane M'Gill, messenger, to pay Johne, Earl of Cassillis, alleged tacksman of the parsonage and vicarage teinds of the parish of Inche, the sum of 6s. 8d. for each of 22 bolls of teind meal for the Mains of Craigcaffie, Braid, and half merkland of the Tong, and of 5 bolls of meal of the Biach and 2 bolls of meal for the lands of Dalhapoik, as for his relief of part of the taxation granted in 1597, and also the sum of 40d. as for his relief of part of the present taxation of 100,000 merks for each boll of the teind meal abovewritten. Now, the complainer is charged for lands of which he has not the teinds, *e.g.* the lands of Braid, half merkland of Tong, lands of Biach and Dalhapoik, which are occupied by tenants who pay the teinds thereof yearly, and are likewise burdened with payment of taxation,—so that the complainer ought not to Page 634.

Acta 1601-2.

be charged for the same. And the charge against him for 22 bolls for his lands of Craigcaffie "is very extraordinar," the said teinds never exceeding 10 bolls of teind. Farther, the complainer pays yearly three merks for each boll of the said teind,—"quhilk is the utter availl of the samyne, quhairas of befoir wes payit only fourtie penneis for ilk boll." Moreover, complainer, "be ressone of the extreame pryce of ilk boll of the said teind," had these divers years past caused the Earl of Cassillis' own servants, "at the leist uther famous and honnest men," to "ryde and stak the saidis teindis in the barne yaird," and they had not extended "in quantitie to four bollis of teynd." Finally, complainer is not tacksman to the said Earl of the teinds abovewritten, and therefore not subject for his relief of the sums abovewritten.—The pursuer appearing personally, and the defender by Gilbert Ros, his servant, the Lords suspend the said letters

Page 635.

of horning, because it has not been proved that complainer is the defender's tacksman of the said teinds.

Charge to the Laird of Edmonston.

Andro Edmestoun of that Ilk, having upon 12th instant apprehended three "notorious theiffis," one called Levingstoun and the other two called Cunynghames, in the town of Soutra, with certain stolen horses, is to be commanded to enter them, within 48 hours after the charge, in the tolbooth of Edinburgh, that they may be presented to the Justice for trial.

Edinburgh, 16th July.

Sederunt—Cancellarius; Fyvie; Secretarius; Dunkeld; Halyruidhous; Kinlos; Clericus Justiciarie; Privy Seal; Advocatus; Computorum Rotulator; Spott; Bruntiland; Elimosinarius.

Charge for assurance between Stewart of Garlies and Murray of Broughton.

Some variance and controversy having lately fallen out between Alexander Stewart of Garleis, Alexander Hanna of Sorbie, Johne Hanna, his son and apparent heir, and Alexander Cunynghame of Powtoun, on the one side, and George Murray of Brochtoun on the other side, there is order to charge both parties, under pain of rebellion, to subscribe and deliver to one another such form of assurance as shall be presented to them, to endure till 1st July 1602.

Page 636.

Protest in favour of a bailie of Perth.

Constantine Malice, one of the bailies of Perth, gives in a copy of the letters raised by Euphame Lytlejohne, charging him to answer this day to her complaint (1) for his alleged refusal to apprehend Johne Crychtoun of Innernytie, put to the horn at her instance, conform to the letters of caption directed to him, and (2) for having advertised the said Johne to escape.—Euphame not appearing, he protests that nothing shall be done against him in the matter till he is newly warned; and the Lords admit the protest.

Edinburgh, 17th July. Caution for Hew Kennedy.

Caution in £2000 by Robert Grahame of Knokdoleane for Hew Kennedy of Girvenmanis, that he will keep ward in Edinburgh till freed by his Majesty.

Falkland, 21st July.

Sederunt—PRESENTE REGE—Cancellarius; Ergyll; Mar; Fyvie;

Spynie; Thesaurarius; Secretarius; Advocatus; Comptroller; Spott; Sir Patrik Murray. Acta 1601-2.

Elizabeth Pitcairn against the Presbytery of Cupar, for proceeding against her for adultery after she has been acquitted by the Commissaries of Edinburgh.

Complaint by Elizabeth Pitcairne, lawful spouse of Andro Kynnynmonth, portioner of that Ilk, as follows:—Her husband had, upon "some sinistrous report of some sclanderous personis" to the effect that she had committed adultery with deceased Johne Lindsay of Kirkforther, pro- Page 637. ceeded against her before the presbytery of Coupar in Fyfe, and ceased to entertain her at bed and board as became him. Whereupon, she had been compelled to institute a suit for his adherence to her, "being steirit up to the said persuite be the brethering of the presbiterie, quha assuirit hir, gif the sclander wer not removit be decreit of the Commissaris of Edinburgh, and that hir husband wer decernit to adheir to hir," they would visit her with the censures of the Kirk. While this action for adherence was depending, "being informit that the said presbiterie had wairnit hir to mak hir repentance for the said cryme of adulterie, nawayis lauchfulie tryit befoir thame, and that thay wer myndit to proceid to excommunicatioun aganis hir in cais of hir refuisall," she had appealed to the King and Council; who, upon 8th August 1599, had discharged the presbytery of all farther proceedings against her till the said process were terminated by the said Commissaries, because otherwise the proceedings of the presbytery might be prejudicial to her action of adherence. In the said process of adherence she has prevailed before the said Commissaries; who, upon 6th December 1600, decerned her said spouse to entertain her at bed and board as his lawful wife. Nevertheless, Mr. Thomas Douglas, Mr. Johne Cauldcleuch, Mr. Adame Mitchell, Mr. Williame Cranstoun, Mr. James Pitcairne, and the other members of the said presbytery, daily trouble her, and charge her to make her repentance for the said alleged crime, under pain of excommunication.—The pursuer appearing personally, and Mr. Page 638. Johne Caldcleuch, minister at Lundoris, Mr. Williame Cranstoun, minister at Lathreis, Mr. Adame Mitchell, minister at Cowpar, and Mr. James Balcanquell, minister at Stramiglo, being also present, the King and Council decern the ministers of the said presbytery to desist from all farther charging of the pursuer to make her repentance, and from all proceeding against her, because they have failed to show cause to the contrary.

The Kirk Session and Town Council of Cupar against Clapen of Carslogy for contravening an Act passed by them anent a seat in the parish kirk.

Complaint by James, Master of Rothes, sheriff of Fyffe, provost of the burgh of Cowpar, and also by Alexander, Master of Elphingstoun, treasurer, Page 639. for his Majesty's interest, as follows:—Williame Turnebull of Pittincreif having erected a seat in the parish kirk of Cowpar, and the placing of the said seat having been challenged before the Session of the said burgh, the said Session had appointed certain persons to "visie" the said seat and report their opinion to them. Report having been made, the said Session, provost, bailies and council of the said burgh, convened together upon 11th May last, had ordained the said seat to be finished as it was begun, and to remain as the property of the parish kirk of the said burgh, "and,

Acta 1601-2. the said Williame Turnebull being present himself, nane to be preferrit to him, his houshold and familie, and the samyne seate vacand to be frie to ony inhabitantis of the burghe foirsaid." Yet, George Clapen of Carslogy, Arthour Clepen, Frances Orme, Arthour Spens, with their accomplices, all armed with plaitsleeves, swords, gauntlets and other weapons, came, with axes and forehammers, upon 23rd May last, to the said kirk, and demolished the said seat. Farther, they "craftelie cravit in" the said David Lukley to the said kirk, closed the door upon him, and held him here till the said seat was cast down.—Both parties appearing, the King and Council declare the said George Clapen and his accomplices to have
Page 640. done wrong, and ordain Clapen to enter in ward in Edinburgh Castle within 48 hours after the charge, under pain of horning, and, farther, to erect the seat in as good condition as it was before it was destroyed.

Edinburgh, 22nd July. Charge to Hew Montgomery and his son.

Hew Montgomerie of Hessilheid, and Robert Montgomerie, his son and apparent heir, having lately apprehended Johne Cunynghame, called the Patter, a notorious thief, are to be commanded to enter him, within three days after the charge, in the tolbooth of Edinburgh, for his trial before the Justice.

Edinburgh, 23rd July.

Sederunt—Cancellarius; Linlithgow; Spynie; Episcopus Rossensis; Kinlos; Halyruidhous; Advocatus; Clericus Justiciarie; Collector; Custos Secreti Sigilli; Spott; Elimosinarius.

Suspension of horning against Lauder of Bass anent payment of taxation to Sir John Home for the church of North Berwick.

Complaint by Mr. George Lauder of Bas, as follows:—As alleged tacksman of the teind sheaves of West Craig and Balgone, he is charged, under pain of horning, to pay to Sir Johne Home of Northberuik the sum of £22 for a part of his relief of the impost upon the kirk of Northberuik. Now, the said Sir Johne had no warrant to direct such a charge against complainer, (1) because, before any such charge could have been made, a
Page 641. stent roll ought to have been set down, and complainer called in the matter,—which has not been done; (2) because complainer has only a tack of the teindsheaves of his Mains, "set to him to the gritest availl, to wit, for a certane grit quantitie of bollis contenit in his tak," and, "except the commoditie of the wynning and leiding of his cornes in dew tyme," he receives no profit from the said tack, and, as the said Sir Johne Home "ressavis the utter and grit availl of the said teynd and dewtie of the said tak," he ought to pay the taxation himself. Nevertheless, complainer has found caution for payment of the said sum if required.—The pursuer appearing by Gilbert Lauder, his procurator, and the defender appearing personally, with Mr. Johne Schairp, his prolocutor, the Lords suspend the letters raised by Home against Lauder, for the second of the above reasons, which they find sufficiently verified by the production of a letter of tack, dated 22nd March 1583, set by the late Alexander Home of Northberuik Mains, principal tacksman of teindsheaves abovewritten, to the said Mr. George, of the teinds of the lands and mains of Bagone and

Craigie for the space of 19 years for the yearly payment of 16 bolls of wheat, 16 bolls of bear and 40 bolls of oats, and also because the complainer pays the yearly duty of his said tack in victual. Acta 1601-2 Page 642.

Sandilands of Calder against James Polwarth for breaking ward.

Complaint by James Sandilandis of Calder, Lord Torphechin, that James Polwart of Cauldlaw, having been convicted before him upon 7th instant, in a court of the regality of Torphechin, for "certane injureis" done by him to Mr. Robert Hodge, his own pastor, and having been committed to ward in the castle of Torphechin till he satisfied the said minister, had broken his ward and escaped within an hour of his committal.—Both parties appearing, the Lords ordain Polwart to be committed to ward in Edinburgh Castle till he find caution in £500, (1) to satisfy the ministers of the presbytery of Linlithgow for the said offence to Mr. Robert Hodge, (2) to satisfy Sandielandis for the said ward-breaking, (3) for the indemnity of the said minister.

Caution for Sir John Ogilvy.

Caution in £3000 by Mr. David Ogilvy, fiar of Pitmureis, for Sir Johne Ogilvy of Craig, that neither he or his daughter, Jeane Ogilvy, shall molest Alexander, Lord of Spynie. Page 643.

Edinburgh, 24th July.

Sederunt—Cancellarius; Linlithgow; Collector; Halyruidhous; Kinlos; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Spott.[1]

Act ordaining the magistrates of Edinburgh to entertain in the meantime the strangers imported for making cloth.

The Bailies of Edinburgh appearing before the Lords of Secret Council, conform to the charge given to them, to answer the complaint made by the "strangearis laitlie brocht hame for making of the claithe" that they were not "intertaneit nor putt to the werk, and that thay wer sinderit,—quhilk wald be a grit hinder to the perfectioun of the said werk," the said Lords, for the "better furtherance and perfectioun of the said werk," ordain the whole of the said strangers "to be haldin togidder within the burghe of Edinburgh" and put to work conform to the conditions passed between them and the commissioners who dealt with them "in that erand," and that notwithstanding any ordinance set down by the Commissioners of Burghs "anent the separating of the saidis strangearis and planting of thame severallie" in other burghs of this realm. And, till the said strangers be put to work, "ordanis the bailleis of Edinburgh to interteny thame in meit and drink. And his Majestie and Counsall sall had hand that the burgh of Edinburgh sal have thair releif of the remanent burrowis of this realme for the haill expenssis to be maid and advanceit be thame in this mater; and, quhill the saidis strangearis be putt to werk be the magistratis of the said burghe of Edinburgh, the saidis Lordis declaris and ordanis that it shalbe lesome to the saidis strangearis to wirk quhair thay pleissis, and in the meantyme to have thair intertenement of the saidis burrowis." The Act is subscribed by the Earl of Montrois, chancellor.

[1] This sederunt, as recorded in the Book of Sederunts (fol. 29 b), is marked "extraordinair."

cta 1601–2. ge 644.

Sederunt—Cancellarius; President; Kinlos; Halyruidhous; Secretarius; Privy Seal; Advocatus; Clericus Justiciarie; Comptroller; Tracquair; Elimosinarius. Holyrood-house, 28th July.

Complaint by Johne Myllar in Ballegerno, that, although he and his predecessors have for many years peaceably possessed two acres of land in the town of Ballegerno, George Kynnaird in Ballegerno came lately to his house, ejected him and his family, demolished his house, broke and spuilyied his whole plenishing, cruelly hurt his bairns and servants, and reft the sum of £80 belonging to him.—Both parties appearing, the Lords remit this matter to the Lords of Council and Session. John Millar against George Kinnaird for assault, eviction, and spuilzie.

Complaint by Alexander Wode of Lambielethame, as follows:—Johne Ramsay of Pryourlethame, alleging that the pursuer molests him in his said lands, has raised letters of lawburrows against him, charging him to find caution in £2000, under pain of rebellion. The action is merely malicious, inasmuch as the said Johne will not swear that he dreads bodily harm or oppression from complainer, but only alleges that complainer troubles him in part of the said lands, which is not of the yearly value of 10 merks; and, besides, the said penalty is "verie extraordinar," far above what is appointed by the Act of Parliament.—Both parties appearing, the Lords ordain the said letters to be executed against Wode till he find caution in 3000 merks for the indemnity of the defender. Alexander Wood against John Ramsay, anent letters of lawburrows: decree for the defender.

ge 645.

Sederunt—Cancellarius; Fyvie; Advocatus; Clericus Justiciarie; Custos Secreti Sigilli; Computorum Rotulator; Clericus Registri. Edinburgh, 30th July.

ge 646.

James Gordoun, servant to James, Master of Ogilvy, having been challenged upon 10th instant in the burgh of Edinburgh for having a pair of pistolets "aboute him," and having been charged to appear and answer, and his said master having been commanded to enter him, and both having disobeyed, the order is to denounce them both rebels. To denounce the Master of Ogilvy, and James Gordon, his servant.

Complaint by Johne Dick in Dundasmuire, tenant to Johne, Earl of Montrois, chancellor, as follows:—After he had bought from Johne Knox, elder, a piot mare and a brown mare, and had paid the price and had the goods 3 days in his possession, Johne Knox, Johne and Thomas Knoxis, his sons, James Lindsay of Pellenflett, Patrik Lindsay in Dalquhirne, Archibald Buntyne in Dumbertane, Johne Dennestoun there, Robert M°Capyne in Inchemahome, and Williame Lekky, Gledheid, came upon him at the Lammas fair of Dumbartane upon 1st August last, invaded him with drawn swords, wounded him in the head, and left him for dead.—Charge had been given to the said Lindsays, John Knox, elder, and Thomas and John, his sons, to answer; and now, pursuer appearing, the said defenders, for absence, are to be denounced rebels. To denounce James Lindsay and others for not answering to a charge of assault and spuilzie.

ge 647.

His Majesty, considering the "daylie increse of the necessar burding and chairgeis in the office of thesaurarie," and therefore "being cairfull Dalkeith, 31st July.

Certain persons adjoined as componitors to the Treasurer in his office of treasury.

that the casualiteis of the said office be proffitablie used and componit to the best availl be the avyse and concurrence of sic speciallis of his Counsale as his Majestie hes maid choise of to assist his Hienes Thesaurar in the componing of the saidis casualiteis," adjoins to the said Treasurer Johne, Earl of Montrois, chancellor, Alexander Seytoun of Fyvie, president of the college of justice, Sir James Elphingstoun of Barnetoun, secretary, Sir George Home of Spott, Mr. Thomas Hammiltoun of Drumcairne, King's advocate, Sir David Murray of Gospertie, comptroller, and Sir Patrik Murray of Midganyis, or any three of them conjunctly, to be componitors with the Treasurer of all signatures and other casualties concerning the Treasury, without whose consent it shall not be lawful to him to compone any signature or other casualty. Farther, his Majesty ordains him to pass no signature of importance, such as gifts of wards, marriages, taxed wards, new infeftments, escheats of earls, lords, barons or their liferents, remissions or respites, till the King and his chancellor be first acquainted therewith and their advice had in the matter. It is also statute that hereafter the "declaratioun or satisfactioun of his Majesteis will for ony cryme or compositioun of ony uther penaltie" shall be regis- tered in the treasurer's register, so that he may be charged therewith in his accounts, and that it may serve for a warrant to the party. "To the effect the better attendance may be gevin heirto," Mr. Williame Broun is appointed to "mark the bak of ilk signatour that passis the register, and to ressave all the compositionis quhill forder ordour be tane heiranent," and there is discharge to the keepers of the register to pass any signature unless so marked. Lastly, his Majesty promises to intromit with no part of the casualties of the treasury till the ordinary burdens laid upon the said office be first satisfied and paid, the rest to be disponed at his pleasure.

Acta 1601-2

Page 648.

Assignation to Sir George Home of the collection of the arrears of taxation.

His Majesty, understanding that Mark, Lord of Newbottle, in his account of the taxation of 200,000 merks, has given up sundry sums of money as resting in the hands of divers persons, which cannot be obtained but by prosecuting the defaulters, therefore, with consent of the Council, gives full power and commission to Sir George Home of Spott to crave, intromit with, and uplift all sums resting owing in the said account, and to pursue the persons indebted in payment thereof, providing that, of the first of his intromission with the said taxation, he shall pay such sums as his Highness has caused him to borrow, and shall account for the balance to his Majesty.

Page 738.

Falkland, 7th August. The Magistrates and Town Council against the "Commons" of St. Andrews for their seditious and factious conduct in the city.

As there is a "grit commotioun, trouble, and intestyne dissentioun of lait arissin within the citie of Sanct Androis, and that be ressoun ane certane nowmer of factious pepill, of auld acquentit with unquyetnes and seditioun, hes amassit thameselffis togidder aganis the magistratis and counsall of the said citie,—and, namelie, David Dalgleisch, Thomas Lundy, James Lausoun, and George Pryde, and uthiris thair compliceis,—quhairby justice, peace and unitie amangis his Majesteis lieges within the said citie is lyklie to be brokin and tred under fute, iniquitie, trouble and

Page 648.

Acta 1601-2. haitrent to ensew and follow," charge had been given to Williame Leirmonth, fiar of Darsy, provost, David Wilsoun, dean of gild, Mr. Williame Coke and Patrik Guthrie, bailies of the said citie, Johne Carstairis, treasurer, Duncane Balfour, Alexander Winsister, Mr. Williame Russell, Mr. Williame Weymis, Williame Ramsay, Andro Forrett, George Lumisdane, Mr. Henry Russell, David Avery, Johne Ferry, Nicoll Mayne, Duncane Duncanesoun, Johne Carstairis, smith, Johne Myllis, and Robert Narne, councillors and deacons of crafts of the said city, on the one part, and to David Dalgleische, Thomas Lundy, James Lowsoun, George Pryde, Alexander Rynd, Walter Carstairis, Robert Murray, Allane Greg, Johne Bait, David Bait, Andro Diksoun, Robert Youll, Thomas Traill, and Thomas Craig, maltmen, citizens, on the other part, to appear and answer this day. And now, both parties appearing, and their reasons and allegations being
Page 649. heard and considered, together with a decree of conviction pronounced against the defenders "upoun the commotioun foirsaid" in a court held in the tolbooth of the said city on 21st July , the King and Council find and declare that the said defenders have "behavit thameselffis verie factiouslie and seditiouslie aganis the saidis provest and bailleis, in raising and fostering of a factioun, preocupying the votis and opinionis of thair nychtbouris, and keiping of conventiclis within the said citie, to the drawing on of a commotioun within the same aganis the saidis magistratis, and that thairby thay have committit a maist heiche contempt and offence." They therefore command the said David Dalgleische, Thomas Lundy, James Lowsoun, George Pryd, Alexander Rynd, Androw Diksoun, and Thomas Craig, to enter in ward in the castle of Blaknes, within 48 hours hereof, under pain of rebellion, and remain there till relieved by his Highness; and they ordain the rest of the defenders to keep ward in their own houses in Sanct Androis, till, upon the King's direction, they shall be relieved by the pursuers. Farther, the pursuers are ordered to try such other inhabitants of Sanct Androis as "kythit thameselfis in the said factious seditioun," and, if they are found guilty, to punish them
Page 650. according to the laws. Finally, the King and Council approve of the form of trial already used against the defenders by the pursuers in this matter.

To denounce John Campbell for not answering to a charge of assaulting a messenger in the execution of his office.

Complaint by Johne Young, messenger, one of the officers of the commissariat of Dunkeld, as follows:—Upon 1st August, when he had apprehended Johne Campbell of Souterhoussis in the market of the burgh of Coupar, by virtue of the precept raised at the instance of Androw Stevin, servitor to Laurence Drummond of Gorgill, Campbell, "being of ane ungodlie and wicked dispositioun," gave him "ane grit straik with his suord and gairdis thairof upoun his cheik and eye," to the peril of his life. —The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

Falkland, 8th August. Act against

Page 651. As, notwithstanding the acts against packing, peiling, salting, barrelling and transporting herring before 1st October yearly, "certane avaricious

packing herring for export before 1st October.

and godles personis, preferring thair privat gayne and commoditie to the commounwele," intend this year to barrel and export the herring taken in the west seas and lochs before 1st October, and have already made "blokis and barganis thairanent," there is order to charge all and sundry, as well strangers as natives, by open proclamation at the market crosses of Glasgow, Air, Irwing, Renfrew, Dumbartane, and other places needful, not to barrel or export any herring before 1st October next, under pain of confiscation of the same and of the rest of their moveables, two-thirds to go to his Majesty's use and the remaining third to the informer. Acta 1601–2.

Falkland, 11th August.

Sederunt—Thesaurarius; Secretarius; Murdocairny; Bruntiland; Comptroller; Spott.

To denounce MacLeod of Dunvegan for not appearing to render his obedience to the King.

Rory M^c^Cleud of Dunveggane, having failed to appear for rendering his obedience to his Majesty and for finding surety to pay the rents due to his Highness furth of his lands, conform to the charge given to him (*ante* p. 256), is to be denounced rebel.

Protest in favour of John Ramsay.

Johne Ramsay of Pryourlethame appears and gives in a copy of the letters raised by Andro Imbrie in Wester Grange and Thomas Peiblis of Lumbo, charging him to produce this day the letters of lawburrows raised by him ordering them to find caution for his indemnity, each in £1000, in order to the suspension of the same. Neither Andro nor Thomas appearing, Ramsay protests that the said letters shall be put to farther execution; and the Lords admit the protest and ordain accordingly. Page 652.

Protest for the burgh of Anstruther-Easter.

Johne Anstruther, burgess of Anstruther Easter, appears as procurator for the bailies and council of the said burgh, and gives in a copy of the letters raised by the bailies and council of Anstruther Wester, charging the authorities of Anstruther Easter to produce before the King and Council the act obtained by them for raising a certain toust of all ships and goods entering their harbour for reparation of the same (*ante*, p. 232), together with the letters of horning raised thereupon, in order that the same might be suspended simpliciter as regards the burgh of Anstruther Wester. No one appearing for the burgh of Anstruther Wester, the said procurator protests that the said commission and letters of horning shall be put to farther execution; and the Lords admit the protest and ordain accordingly. Page 653.

To denounce Forbes of Logyfintry for not answering to a charge of violence.

Complaint by Issobell and Katherene Stewartis, daughters of Williame Stewart of , constituted by him cessioners and assignees to the lands of Cowstanis, wood and woodlands called the Wood of Garvok, Garthorost, Gawis, and the salmon fishing of the water of Don, and by the said Williame, as lawful administrator to them, as follows:—Williame Forbes of Logyfintrie, with others, came, upon 6th July last, to the complainer's lands of Garthorost and Woodlands of Fintrey, lying in the parish of Fyntrie and shire of Aberdene, where Johne Broun, their tenant, was ploughing part of the lands of the Wood of Fintrey, and there violently took an axe out of Johne Cuik's house, wherewith he most shamefully cut the said

cta 1601-2. age 654. Broun's oxenbows and menaced himself, discharging him from labouring any farther the said lands, under pain of his life.—Williame appearing for himself and the other pursuers, Forbes, for his non-appearance, is to be denounced rebel.

Act in favour of Foulis of Colinton and his son, anent letters of lawburrows granted by them to certain persons.

Complaint by James Foullis, elder of Colintoun, and Mr. James Foullis, his son and apparent heir, as follows:—Having been charged by Johne Levingstoun of Belstane, Gawin and Alexander, his sons, Jonet Levingstoun, his sister, Williame Purdy in Ballany, Williame Blythman there, William Henrysoun there, and Robert Scot there, to find caution for their indemnity, they had found the same. Then, in consequence of the "mony injureis and wrangis" done to them by the said persons, they had obtained letters by deliverance of the Secret Council, charging the said defenders to find the like caution to them. Defenders, however, had disobeyed, and had accordingly been put to the horn; at the process whereof the said Laird of Belstane "maist proudlie and contempnandlie remanis as yit unrelaxt"—The Lords declare that the letters of lawburrows found by the pursuers for the indemnity of the rebels foresaid shall have no force during the time of their rebellion, and till they find the like caution to the pursuers.

age 655.

ederunts, ol. 29, b. Johnne, Earl of Montrois, chancellor, having, according to the King's direction, received Sir James Sandelandis of Slammannanmure to be one of the Privy Council, the said Sir James, being present, makes faith.

Dalkeith, 17th August. Sir James Sandilands, Councillor.

age 655. As Rory M'Cleud of Dunveggane, on the one side, and Donald Gorme of Slait, on the other, have lately entered (*ante*, p. 263) in "violent persute of utheris be way of deid and oppin hostilitie, committing schamefull and barbarous slauchteris and murthouris, besydis oppin heirschipis, depredationis, and uther insolenceis, ather of thame aganis utheris," and as his Majesty is also informed that "sindrie of his Hienes subjectis of the incuntrey and boundis nixt adjacent to the Ilis intendis, with convocatioun of thair kin and freindis and sic as will do for thame, to assist and tak pairt with the saidis pairteis in the prosequtioun of thair particular revengis, and sua to foster and interteny that weir betuix thame, to the disturbance and schaikin louse of the haill estait of the Ilis," there is order to charge George, Marquis of Huntley, and Archibald, Earl of Ergyll, personally or at their dwelling places, and all others, by open proclamation, not to assist either of the said parties, or suffer any dwelling within their bounds to do so, under pain of treason.

Stirling, 19th August. Charge to the Marquis of Huntly and the Earl of Argyle not to aid MacLeod of Dunvegan or Donald Gorm of Slait in their feud.

Sederunt—Cancellarius; Wyntoun; Uchiltrie; Newbottle; Blantyre; Kinlos; Comptroller; Spott; Sir Patrik Murray; Sir James Sandielandis.

Edinburgh, 20th August.

Complaint by Robert Boyde of Badinhaith, as follows:—Johne Mitchell in Dykis of Adrossane, Williame Montgomerie in Busbie, *alias* Williame

To denounce John Mitchell and others for

not answering to a charge of spuilzie committed in the fortalice of Little Cumbray: the Inventory of articles spuilyied.

the Page, Johne and James Robiesonis in Saltcoittis, James Broun there, Acta 1601-2. Johne Bowtoun there, Mathow M°Kie there, Thomas Mitchell, smith in Monnoke, with others to the number of thirty, most of them rebels, Page 656. fugitives and excommunicates, and in special Neill Montgomerie in Little Cumray, Williame Montgomerie, elder, Williame Montgomerie, younger, there, Thomas, Adame and Hew Montgomereis, sons of the late Hew and Johne Montgomereis, "callit in the Ile," came with hagbuts, pistolets, culverings, swords and other weapons, in 1599, to the Isle of Little Cumray and fortalice thereof, belonging to the pursuer, and peaceably possessed by him, and violently, "with engyne of smythis," broke up the doors and gates of the same, and, after having destroyed the glass windows, boards and iron work within the said house, spuilyied these goods at prices following, besides the "nowmer of jestis and uther tymber" provided by the complainer for building a harbour at the said Isle:—viz., IN THE HALL: "ane irne chymlay of sax stane wecht," price £12; "ane irne tayngis," 10s.; two "fourmes," 40s.; a "copbuird," 5 merks; "nyne hundreth hogheid and ten barrell stepis," £5 per hundred = £45; two "cutthrot gunis of irne," £40; four "glas windois of fyve scoir aucht fute," 5s. per foot = £27; three new "caissit windowis of buird work," £20. IN THE KITCHEN: two brazen pots of 47 lb. weight, £27, 13s. 4d.; two pans, £11; a pair of iron "rax," £8; two "speittis," £6; "ane irone ladill," 6s. 8d.; "ane dossane and ane half of plaittis, sax coveris, ane dossane of trunscheouris," £48; "ane fauldand buird," £3; glass window of ten foot, 50s. IN THE CHAMBER ABOVE THE KITCHEN: "tua laich stand bedis of fire," £10; five dozen and four "Ireland buirdis," £3 per dozen = £16; glass window of six foot, 35s. IN THE LOW WESTER CHAMBER: "tua stand bedis of fire," £16; glass window of 24 feet, £6; a new "kaissit window," £6; "ane chalmer buird of aik," £6; "ane lokit coffer and thairintill ane double and breikis of din fusteane cuttit out on tanny taffaty," £50; pair of "tanny worset schaukis," £5; two "lynning sarkis," £7; two pair of linen sheets, £16; four "codwairis," £5; two pair of "rounder scheittis," £9; two boardcloths of linen of five ells in length, £15; two broad towels, 40s.; two long towels, 20s.; two dozen of "serveittis," £12; cupboard, 30s.; silver piece of 17 oz. weight, £3 per oz. = £51; "ane cop Page 657. with ane silver fute" of 7 oz. weight, price foresaid = £21,—with contracts, obligations, evidents and books, worth £2000. IN THE LOW EASTER CHAMBER: "ane bund stand bed of aik," 20 merks; two stand beds of "fire," £16; a chamber board, £4; two glass windows of 36 foot, £9; two "caissit" windows, £10. IN THE HIGH WESTER CHAMBER: "ane bund stand bed of aik," 20 merks; two stand beds of fir, £16; a chamber board, £4; two glass windows of 24 foot, £6; two "caissit" windows, £10. IN THE HIGH EASTER CHAMBER: "ane bund stand bed of aik," 20 merks; "tua stand bedis of fire," £16; chamber board, £4; two glass windows of 26 foot, £6 10s.; two "caissit" windows, £10. IN THE WARDROBE: two feather beds with their "bowsteris and codis," £36; two pair of blankets, £24; "ane arreswork," £24; "ane Ireland cada," £12; four double coverings, £18;

Acta 1601-2. eight herring nets, £16; "tua traumell nettis for cunyngis," £6; fishing line, £4; "ane drow lyne," 40s.; "ane fire daill," 13s. 4d.; two glass windows of 16 foot, £4. IN THE VAULTS: three hogsheads and five ale barrels, £8; "ane hingand jact," 20s.; two old "caissis" of windows and seven boards, £5; "ane caissit bowell," 40s.; "ane oisting kist and xvi^{c} fow of seyme and rufe in it for boittis," 40s. per hundred, = £32; 300 "plenscheour naillis," 30s.; two tin quart stoups, £4; tin saltfat, 10s.; two "chandilaris" of brass, £6. IN THE BREW HOUSE: a mask "fate," £10; "tua thrie tramit (?) barrowis" for stones, £4; "foure tua tramit barrowis" for stones, £6; 30 pieces of boat timber, £30. IN THE SAID HOUSE: six "houng duris" of oak with locks and bands, £24; five "houng fire duris" with locks and bands, £17; eleven "houng duris of fire" with bands and snecks on portals and privies, £29, 6s. 8d. Item, lying beside the said place for building a harbour for ships, "ellevin scoir of jestis of aik of tuentie foure fute lang and a fute and a half of the squair," £8 each = £1760; mast of a boat, £6.—Sum of the whole, £4776, 10s. 8d.,—*salvo justo calculo*, "besyde the lofting of the said place tuyse throw jestis, irne yet, irne windowis, toure yet of aik, dimolischeing of the said brew house, thak and tymmer, with a tyld oven thairintill."—By this violence the accused have "stayit the accomplischeing of that werk quhilk tendit sua fer to the commone wele and benefite of the haill liegeis of this realme haveing ony trade and handling in the west seyis." Further, "haveing spuilyeit the said Ile in maner foirsaid of the haill movables within the same," they "plantit" in the said house and Isle the said Neill, Williame, Thomas and
Page 658. Hew Montgomereis, who masterfully hold the same from the pursuer and debar him also from making the said harbour. Moreover, they have fortified the said fortalice with men, ammunition and armour, and reset within it not only the "disorderit thevis and lymmaris of the Ilis," but such other malefactors as, for eschewing punishment, resort towards them.—Charge had been given to the defenders abovewritten, with the exception of Thomas Mitchell, smith, and Hew Montgomerie, to appear and answer; and now, the pursuer appearing, the said defenders, for not appearing, are to be denounced rebels.

The Comptroller against James Greig, skipper, and Thomas Mauchan, merchant, for unloading certain goods without first giving the same up to the customers.

Action by Sir David Murray of Gospertie, comptroller, as follows:—Although, by an Act of Secret Council dated 26th February 1600, masters, skippers or mariners of a vessel arriving in this realm, may not put out any part of the lading till they arrive at the free port to which the ship is
Page 659. freighted and give up all their entries to the customers, under pain of £100 to be paid by the skipper, £100 by the owner, and £100 by the clerk and mariners (*ante* p. 85), yet, a ship called , of which James Greg is skipper, having arrived at , laden with certain goods and merchandise, whereof part belonged to Thomas Mauchane, burgess of Edinburgh, the said Thomas, by the oversight and allowance of the skipper, clerk and mariners, convoyed his whole merchandise furth of the said ship before any part of the same had been given up to the customers. While transporting the same to Edinburgh upon 13th instant, he had been challenged by

Williame Wrycht, the pursuer's servant, who tried to stay the said unlawful goods till order had been taken in the matter; on which Mauchane not only violently took them away, but "cruellie dang" the said Wrycht.—Both parties appearing, the Lords declare that Greg has violated the said act and therefore incurred the said pain, and, farther, ordain Mauchane to deliver the said goods to the Comptroller and his deputes at the market cross of Edinburgh on a market day before noon. Acta 1601-2. Page 660.

Stirling, 22nd August.

Sederunt—Cancellarius; Uchiltrie; Kinlos; Newbottle; Blantyre; Computorum Rotulator; Sir Patrik Murray; Sir James Sandielandis.

Provost and bailies of Dunbar against William Lauder, for obstructing them in the administration of their office.

Complaint by the provost and bailies of the burgh of Dumbar, as follows:—Williame Lawder, burgess there, "upoun cullour and pretence of a gift of admiralitie," not only stops them in the taking of their herring "now in the proper seasoun of the yeir," but also disturbs them in the administration of justice by countermanding their drum when sent through the burgh and obstructing their acts and ordinances.—The pursuers appearing by Sir George Home of Spot, provost of the said burgh, and the defender being also present, and having confessed that he had caused "stryke a drum and mak a proclamatioun within the said burgh" anent the fishing of the herring, without the knowledge or consent of the said magistrates, the Lords find that he has committed offence in usurping such authority, and therefore ordain him to enter in ward in Blaknes within 24 hours hereof, and remain there till he find caution in 500 merks to satisfy the pursuers for the said offence, and also to behave obediently to the said magistrates hereafter. Farther, he is discharged from bearing public office in the said burgh and from being upon the Council thereof during the next two years. Page 661.

In the matter of the feud between Mac-Leod of Dunvegan and Donald Gorm of Slait.

Rory M°Cleud of Dunveggane, and his kin and friends, on the one side, and Donald M°Conneill Gorme of Slait, and his dependers, on the other side, "continewing in thair wicked and evill dispositioun to prosequute thair particular revengeis" (*ante*, p. 279), intend to "mass togidder grit nowmeris and forceis of thair kin and freindschip," and pursue each other "with fyre and suord and uther hostilitie be sey and land." There is an order to charge both parties to dissolve their forces and to observe the King's peace; also, M°Cleud is commanded to repair to Archibald, Earl of Ergyll, and M°Conneill to George, Marquis of Huntley, within six days after being charged, and to remain in the company of the said noblemen till the King and Council take order anent the present "trouble," under pain of treason. Both parties are also required to release peacefully all prisoners on either side within 48 hours after being charged, under the said pain. They are also to be commanded to execute mutual assurances till 1st August 1602, within six hours after the charge, under pain of rebellion.

Acta 1601-2. Complaint by Magnus Mowat of Bolquhollie that, although he is heritably infeft in the lands of Balmelie and others after specified, and he and his predecessors have peaceably possessed the same past memory of man, Page 662. yet Williame (? John) Gordoun of Geicht, Johne and Alexander, his sons, and George Gordoun in Brigend, envying the pursuer's possession, and not content to live in peace "as it becomis Christianis," continually trouble and molest him. For example:—(1) In May last the said George, having the roum of Brigend adjacent to the complainer's lands of Balmelie, built a fold dyke within the bounds of the pursuer's said lands; and, while Johne Mowat, servitor to the complainer, endeavoured to stay the erection of the same, the said George and his brother, armed with lances, swords and pistolets, shot the said Johne with a pistol and afterwards wounded him with a sword. (2) Upon 5th June last Gordoun of Geycht and the said George, with others to the number of 20 men, all armed with hagbuts, pistolets, swords and lances, came to the lands of Balquhollie, "raid athort and trampit doun the cornes sawin thairupoun," wounded Robert Catta, servitor to the complainer, "with ane reach of ane pistolett on the face," hurt Andro Jaffray, likewise his servitor, with a sword in the shoulders, and afterwards presented a pistolet at Thomas Cheyne, also complainer's servant. (3) Upon the 6th June the said Johne Gordoun, accompanied by the said George and others to the number of 300 persons, on horse and foot, all armed with jacks, hagbuts, spears, steelbonnets, swords and gauntlets, came again to the said lands of Bolquhollie and tramped down and destroyed the corns. (4) Upon June the said Johne and Williame, sons of the said Johne Gordoun of Geicht, accompanied by a number of "evill disposed personis," came to complainer's lands of Lescragie, Jakstoun and Bromhill, broke up the doors and windows of his tenants' houses, sought them for their slaughter, and, having apprehended Williame Smyth, one of the said tenants, struck him in his own house and carried him as prisoner to the place of Geicht. —Charge had been given to the said Williame Gordoun of Geicht, Page 663. Williame and Adame Gordonis, his third and fourth sons, Robert Dalgleische in Staniehous of Geicht, Walter Maitland, servitor to the said Williame Gordoun, Andro Meldrum, son of the Laird of Drumbrek, Williame Wilsoun in Faldunhill, Andro Cassie there, Johne Braines in Badichell, Johnne Gordoun, second son of the Laird of Geicht, George Gordoun at the Brigend, Williame Ker, servitor to the Laird of Geicht, George Dasoun in Badichell, Walter Younger, Patrik Gordoun, domestic servitors to the Laird of Geicht, and Johne Craufurd, also his servitor, George Troup, burgess of Aberdene, George Greif in M°Terie, Andro Hill in Geycht, Thomas Hervie in Cottoun of Geicht, David Prat in Boquhannachie, Williame Prat there, David Wilsoun in Carneorie, David Craik in Burnegranis, Andrew Reidheid in Murefundlan, David Torrie at the Mill of Boquhannachie, and Alexander Strauchane, apparent of Glenkyndy, to appear this day and answer; and now, the pursuer appearing, and passing from the pursuit of the said Strauchane, the order is to denounce all the rest of the defenders for non-appearance.

Perth, 10th September. To denounce Gordon of Gight and others for not answering to a charge of assault, violence, and oppression, brought against them by Mowat of Bolquhollie.

The same Gordon of Gight and a number of his retainers to be denounced for not appearing to a charge of oppressing the inhabitants of Turriff and shooting one of them.

Complaint by Alexander Coupland and Williame Duffus, inhabitants of Turref, Raulff Anislie, servitor to Frances, Earl of Erroll, and Alexander, Master of Elphingstoun, treasurer, for his Majesty's interest, as follows:—Upon 18th July last, Johne Gordoun, second son of the Laird of Geicht, accompanied by Patrik Gordoun, servitor to the said Laird, and George Troupe, burgess in Aberdene, came to the town of Turreff, and pursued Coupland and Anislie for their lives, wounding Anislie beyond hope of recovery. Williame Gordoun of Geicht being informed of what had happened, and having "enterit in communing" with George Hay, parson and minister at Turreff, the said minister had given him his word that the whole of the inhabitants of the said town should be answerable for any injury done to himself, his son, or any of his company; whereupon the Laird of Geicht had departed, and all the inhabitants, thinking themselves thereby secure for the time, had returned to rest. Yet, in spite of this agreement, Williame Gordoun of Geicht, George Gordoun, his son and apparent heir, Williame and Adame, also his sons, Williame Ker, George Davidsoun in Badichill, Robert Dalgleisch in Staniehouse of Geicht, Walter Young, Walter Maitland, Patrik Gordoun, George Gordoun at the Brigend, George Baird, Johne Craufurd, and George Troupe, all servitors to the Laird of Geicht, Alexander Strauchane, apparent of Glenkyndy, James Gordoun in Blakhillokis, Androw Meldrum, son of the Laird of Dumbrek, George Greif, George Mylne, Mr. Robert Maitland of Auchincreif, Andro Hill in Geycht, Thomas Hervie, David Pratt, Williame Prat, David Wilsoun in Carnoorie, Robert Wilsoun, Andro Wode at the Mill of Ardoche, Williame Scot, Alexander Cheyne, James Cheyne, Adame Strauchin, brother of the said Alexander, David Torrie, James Sinckler, came to the town of Turreft that same night at 12 o'clock, all armed with long guns, spears and pistolets, and "oppress the haill toun." More especially, they went to the dwelling house of Williame Duffus, and "thair tuik him furth of his bed and brocht him to the gait, he being sark allane; quhair the Laird of Geicht, seing him, drew his suord, and had slaine him unles ane of his cumpany keppit the straik upoun ane lang gun. Thairefter the said Williame Duffus fled for feir of his lyfe; quhilk the Laird of Geicht persaveing cryit, 'Lett him not away, bot schuite him'; quhairupoun dyvers schottis wer schot at him with pistolettis, muscattis and hacquebuttis. In end he wes schot with ane muscat with nyne bullotis in dyvers pairtis of his body; quhairby the said Williame remanis in sic danger of his lyfe as na man knawis quhat houre he sall die. Be the quhilk progres in all thir actionis, it is evident that the said Laird of Geichtis bigane impunitie for his former bluidis hes procureit this contempt in him."—Charge had been given to the defenders abovewritten (with the exception of Mr. Robert Maitland, Robert Wilsoun, Williame Scot, Alexander Cheyne and James Cheyne), and also to Williame Wilsoun in Faldunhill, and Johne Gordoun, son of the Laird of Geicht, to appear this day and answer; and now, the said Williame Duffus appearing for himself and the other pursuers, and passing from the

Acta 1601-2.

Page 664.

Page 665.

Acta 1601-2. pursuit of the said Alexander Strauchin, the Lords ordain the rest of the defenders to be denounced rebels for non-appearance.

Perth, 11th September. [Convention of Estates]. Act for new coinage of gold, silver, and copper pieces.

All the gold and silver coins called in to be restruck. The gold to be 22 carats fine with two grains of remeid in pieces at six pounds the piece, four to the ounce, and in halves: the die described. The silver to be of 11 deniers fine with two grains of remeid at three pounds the ounce;
Page 666. to be set forth in merks, half merks, 40d. and 20d. pieces, nine half merk pieces weighing an ounce. 200 stone weight of copper to be coined in 2d.
Page 667. pieces, nine to the ounce (Printed in Acts of Parl., iv. p. 257).

Act anent cloth-making by the burgh of Edinburgh.

The burgh of Edinburgh to lose the privileges which they have in the matter of cloth-making if they do not comply before Michaelmas next with the conditions imposed upon them (*ante*, p. 274) in the matter of the importation and support strangers for the purpose of that manufacture (Printed in Acts of Parl., p. 258).

Mr. Andrew Bennet against John Ford.

Complaint by Mr. Androw Bennet, minister at Monymaill, that, in March last, a horse had been stolen from him. He had challenged the same in the hands of Johne Fuird, tenant of Patrik Grahame of Inche-
Page 668. braikie. How it came into the said Johne's hands, whether by his own theft or by reset from the stealer, complainer is uncertain.—Both parties appearing, the King and Council assoilzie the defender because pursuer has failed in his proof.

To denounce Robert Bruntfield and his son for not answering to a charge of assault and molestation.

Complaint by Roger Ridpeth in Howlawrig and Hector Purves in Auldgrinlay, that, upon 27th August last, Robert Bruntfeild, elder of Dodrig, Robert Bruntfeild, younger, his son and apparent heir, and , servant to the said Robert, younger, came to the complainers' said lands,
Page 669. cruelly assaulted and wounded their servants while they were pasturing their goods, cut their horses' tethers and caused them to eat and destroy their corns, and wounded one of the horses with a whinger.—Hector appearing for himself and Roger, the defenders, for not appearing, are to be denounced rebels.

His Majesty's declaration anent the gift of the teinds of Aberlemno granted to Sir Walter Lindsay.

Charge had been given to Sir Walter Lindsay of Balgais to appear and answer for having lately obtained,—most surreptitiously, without his Majesty's knowledge or consent,—a signature of the tack of the teinds of Aberlemno in the shire of Angus, whereby he pretends to claim the same, to the prejudice of the kindly tacksmen of the same and to the King's "grit abuse."—Lindsay appearing, as also Robert M°Gee, procurator for Patrik Wod of Bonnytoun, admitted for Wod's interest, his Highness makes declaration that Alexander, Lord of Spynie, "delt and travellit with his Majestie in favouris of the said Sir Walter for a tak of the
Page 670. teindis of the said Sir Walteris awne landis: quhairunto his Majestie haveing yeildit, and a signatour being presentit to his Hienes, his Majestie subscrivit the same, thinking that thair had bene na utheris teindis insert thairin bot the teindis of the said Sir Walteris awne landis, as said is; and, gif ony uther teindis be insert in the said signatour nor the teindis of the said Sir Walteris awne landis, his Majestie declairit that the same wes

by [without] his Majesteis privitie, knawledge or allowance." In respect of this declaration, the Lords remit the matter to the Lords of Council and Session. Acta 1601-2

Suspension of horning against Clapen of Carslogy for not finding letters of law-burrows.

Complaint by George Clapen of Carslogy that James, Master of Rothes, has lately charged him to find caution in 3000 merks for his indemnity within six days after the charge, under the pain of rebellion, and that, for his alleged disobedience, he has been put to the horn. Now, the complainer, having been charged, upon 25th July last, to the effect foresaid, had found the caution required upon 29th July, as James Prymrois testifies by his handwriting on the back of the copy of the charge of horning. Therefore the said horning ought to be suspended.—The pursuer appearing by James Clapen, his procurator, but the defender not appearing, the Lords do suspend the said horning.

Suspension of horning against the same Clapen for not re-building the seat destroyed by him in the parish church of Cupar.

Complaint by George Clapen of Carslogy that James, Master of Rothes, Page 671. sheriff of Fyfe and provost of Coupar, having obtained decree against complainer ordaining him to put up again a seat in the kirk of Cowpar which had been erected by Williame Turnbull, and which complainer had demolished (*ante*, p. 272), had therefore procured letters charging him to erect the said seat within six days after the charge, under pain of rebellion. Now, the pursuer having been committed to ward in Edinburgh Castle immediately after the giving of the said decree, Johne Inglis, servitor to Sir Patrik Murray of Geneis, had been, by his Majesty's own advice, directed by the complainer to David Basillie, younger, wright, burgess of Cowpar, and had agreed with the said David in the pursuer's name for the re-building of the said seat for the sum £16, as appears by an act passed between Inglis and Balsillie under the subscription of the common clerk of Cowpar, dated 29th July last. The said wright is still engaged, with three servants, in the erection of the said seat; and so, as no greater diligence can be used, and as complainer has found caution for the due erection of the seat, he pleads that the horning against him should be suspended.—Complainer appearing by James Clapen, his procurator, but no appearance being made for the defender, the Lords do suspend the said letters.

Falkland, 15th September. James Gordon entered by the Master of Ogilvy, and committed to custody.

James, Master of Ogilvy, appears and presents before his Majesty James Page 672. Gordoun, his servant, conform to the act of caution (*ante*, p. 275), and therefore protests that he has satisfied the said act. His Majesty admits the protest.—The King having then examined Gordoun anent the crime of having carried pistolets in Edinburgh in July last, for which Ogilvy had been charged to enter him, and Gordoun having confessed that, having been sent by his said master to Sir Johne Ogilvy, and Mr. David, his brother, in Edinburgh, "for certane his effairis," and "haveing outred his adois and being reddy to depairt hame, he tuik a pair of pistolettis aboute him," Gordoun is ordained to remain as prisoner with Sir David Murray of Gospertie, comptroller, till 22nd instant,—on which day he is to be presented before the King and Council at Dumfermeling.

Acta 1601-2. *Sederunt*—REGE PRESENTE—Cancellarius; Linlithgow; Fyvie; Thesaurarius; Spynie; Secretarius; Collector; Advocate; Comptroller; Spott; Bruntiland; Sir Patrik Murray. Dunfermline, 22nd September.

Alexander, Master of Elphingstoun, treasurer, being "superexpendit during the tyme of his office in dyvers grit sowmes of money," and his Majesty being "cairfull, as it becometh him in honnour," to see the same paid to Alexander Elphingstoun, eldest son of the said Treasurer, whom he has made his assignee thereto, therefore, with advice of the Council, as also of the said treasurer and of the tacksmen of the cunyiehouse, his Majesty assigns and dispones to the said Alexander and his heirs the profit of the cunyiehouse which shall arise by the new cunyie agreed upon in the Convention on 11th instant (*ante*, p. 285) till he be completely paid of the sum £41,000, due to the said Treasurer for his super-expenses; and if, at the auditing of the rest of the treasurer's accounts, which are yet running, he shall be found to be farther superexpended, then the said Alexander, his son, shall have "retentioun of the said cunyiehouse and proffeit thairof" till he be paid the balance of the said superexpenses due before the date hereof, and the "haill annuellis and proffeit of the stoke quhilk sal happin to be impute be him during the tyme of his intromissioun with the said cunyiehouse." Power is given to the said Alexander to enter in possession of the cunyiehouse and to "put in ane stoke and to intromet with baith stoke and proffite thairof" during the said space, and also to remove the officers of the cunyiehouse and introduce others in their places while his right lasts, without prejudice of the said officers after the expiring of this present act. In return for the said assignation, the said Alexander Elphingstoun, younger, becomes bound to relieve his Majesty of the yearly duty of £5000 owing to the tacksmen of the cunyiehouse, and to that effect to pay the said yearly duty to them monthly *pro rata*, provided always that this present assignation shall not be prejudicial to the said tacksmen for any years of their tack yet to run. For the better "restreant of the course of all uther cunyie efter the day contenit in the Act of Estaitis, and escheitting thairof," it is ordained that one third of all unlawful cunyie that may be apprehended shall be given to the Treasurer, another third to his said son, and the remaining third to the informer. "And, for the better furtherance of the course of the cunyiehouse, it salbe lykwyse frie to the said Alexander to chairge for the bulyeoun appointit be the Actis of Parliament to be imbrocht be the marcheantis, and to put the Actis of Parliament maid thairanent to dew executioun." This Act of Council is subscribed by his Majesty, the Earl of Montrose, chancellor, Lord Fyvie, Alexander, Master of Elphingstoun, treasurer, James Elphingstoun, secretary, Mr. Thomas Hamiltoun, Sir George Home, comptroller, Sir Patrik Murray, Johne Prestoun, James Foullis of Colingtoun, James Foullis, younger, Thomas Foullis, Robert Joussy, A. Huntare. Assignation of the cunyiehouse to Alexander Elphingstoun, eldest son of the Treasurer, as assignee for his father, till the super-expenses of the Treasurer in his office shall have been repaid.

Page 673.

Page 674.

Alexander, Master of Elphingstoun, having "frelie and voluntarlie

Act in favour of the Master of Elphinston on demitting the office of Treasurer.

dimittit his office of thesaurarie at his Hienes speciall requeist and desyre," his Majesty declares that the said demission shall not be prejudicial to him in the brooking of his office of one of the Privy Council "and of his extraordinar place in the Sessioun," but that he shall "joyse the saidis officeis, haill honnouris, liberteis and privilegis and digniteis of the same," as freely as if he had not made this demission. Acta 1601-2.

Gilliam Van Narson, Fleming, against another, for encroaching on his privilege of making and selling "amedone or stiffing."

Complaint by Gilliame Van Narsone, Fleming, in Leith, as follows:—Although, by letters of gift under the privy seal, dated 4th December 1599, he and his family have the privilege for 21 years of making "amedone or stuffing," and of selling the same for 40d. the pound, and although in the said letters there is a discharge to all others from making of the said stuff, except "for thair awne particular use allanerlie,"—of which open proclamation has been made at the market crosses of Edinburgh, Cannogait, Leith, and other places,—yet Thomas Fleming, in Edinburgh, "hanting in the said complenaris house quhair he duelt in Monrofs," and seeing him "use that vocatioun," had "craftelie, without learning of him, come to the knawlege thairof, and hes continuallie this lang tyme bipast useit and exerceit the same within the burgh of Edinburgh, be making and selling of the said amedone, callit stiffing."—Both parties appearing, the King and Council remit the matter to the judge competent thereto. Page 675.

Mr. John Dempster against Thomas Dempster of Auchterles and others for violence and oppression.

Complaint by Mr. Johne Dempstar, advocate, before the Lords of Council and Session, that Thomas Dempster of Auchterles, James Dempster, his eldest son, Williame Dempstar, son of the late Archibald Dempster, portioner of Halsiewellis, Thomas Copper at the Mill of Knokleith, Johne Craig in Knokleith, Adame Gordoun, son of the late Gordoun in Cuschna, and Johne Meldrum, officer of arms, with others, armed with jacks, spears, pistolets and other forbidden weapons, came in July last to the pursuer's third part lands of Logyaltoun, lying in the parish of Auchterles and shire of Aberdene, peaceably possessed by him for 20 years, and there violently besieged the houses of his tenants,—viz., James and Williame Cruikschankis and James Thomesoun, and their sub-tenants, to the number of nine households,—broke up their doors, ejected themselves and their plenishing, "and debarrit thame thairfra in ane maist barbarous maner." The like has not been seen before, "the doaris thairof being altogidder deboschit, and haveing na moyane bot be reif, spuilyie and oppressioun," and "the said complenar being ane ordinar advocat, awaiting upoun his vocatioun, and distant fra the said place be fourscoir ten myles, and sua haveing the privilege and immunitie to be defendit be the lawis of this realme aganis sic oppin reif and violence."—Charge had been given to the said Thomas Dempster, James Dempster, his son, Thomas Coper, Williame Dempster and John Craig to appear and answer; and now, the pursuer appearing, but none of the defenders, the order is to denounce them.

Order to commit Alexander Guthrie

Conform to the act of caution by James Betoun of Melgund, compears Alexander Guthrie of Crathymylne, and produces a letter of suspension of the horning executed against him by Alexander Gairdin, son of the late

Acta 1601-2. David Gairdin of Leyis, for his not having removed from the lands of the Mylnetoun to Tullois. Because Guthrie is still at the horn for non-payment to Gairdin of the violent profits of the said lands, the order is to commit him to ward in the castle of Edinburgh, there to remain at his own expenses till he obtain his relaxation from the horn.

Edinburgh, 26th Sept.[1] Charge for new assurance between Seton of Kylesmure and Hamilton of Samelston.

The assurances between Sir Williame Seytoun of Kyllismure, on the one part, and Patrik Hamiltoun of Samelstoun, Johne Hamiltoun, his brother, Williame and George Hepburnis, brothers of Mr. Patrik Hepburne of Gilmertoun, on the other part, being now almost expired, but the variance still remaining, both parties are to be charged to assure one another again till 1st August next, within six hours after the charge, under pain of rebellion.

Act to prevent the plague now raging in Dantzic and other places on the easter seas from spreading to this country.

The King and Council being "suirlie informit that thair is ane grit infectioun of the pest in the toun of Danskene and utheris pairtis of the Eister Seyis, quhair a grit nowmer of his Majesteis subjectis ar presentlie occupyit in thair lauchfull trade of merchandice, and seing the returne of the saidis personis hame within this realme may carie na litle danger and appeirance of infectioun to follow, and his Majestie being cairfull, as it becomis his Hienes, to use all ordinarie meanis quhilk may, at Godis plesour, preserve this cuntrey and the subjectis thairof fra infectioun of the said plague," there is order to charge all lieges arriving in this realm from the said places, under pain of death, not to come on land or disembark any of their goods till they have advertised the magistrates of the towns where they intend to land from what places they are come, and in what state the whole company of their ship is, and have obtained special licence to land; with command also to the magistrates of all towns and sea ports to see this Act executed.

Page 677.

Linlithgow, 29th Sept.

Sederunt—Mar; Linlithgow; Blantyre; Spott; Thesaurarius; Halyruidhous.

The burgh of Linlithgow against the town of Borrowstounness.

Complaint by the provost, bailies, council and community of Linlithgow, as follows:—It had pleased his Majesty's progenitors to erect the said burgh into a "frie burgh regall" and to "doit" the same with all privileges belonging to a free burgh, and to grant to the burgh the small customs thereof, with liberty to build a port at Blaknes,—as their charters, confirmed by his Majesty, bear. They have also received the "proper and peculiar libertie" within the bounds of the said shire,—which extends only to seven miles between the mouths of the Almond and Even,—of packing, peilling, loosing and lading by sea of staple goods; and it is provided that

[1] "Upon the 25th of September," says Calderwood, vi. 136, "Mr. Peter Hewat, one of the ministers of Edinburgh, went to Berwick, with the King's letter and license to Mr. Robert Bruce to returne home" (see *ante*, p. 250, footnote). As the license imposed certain conditions as to a public acknowledgment by Mr. Bruce of his mistake in having doubted his Majesty's account of the Gowrie Conspiracy, Mr. Bruce still hesitated; but, after some little delay, he did return, and was then "commanded to keepe waird within his owne hous in Kinnaird."

no staple goods belonging to any other person shall be packed, peilled, loosed and ladened at any other haven within the said shire than the haven of Blaknes and the burgh of Linlithgow; which charters and privileges are ratified in Parliament (1594 c. 55, iv. p. 79). Nevertheless, a signature has been presented to his Majesty, in name of James, Earl Arrane, and Johne, Marquis of Hammiltoun, his tutor, for erecting the town of Borrowistounnes, which is within a mile of the said burgh and port of Blaknes, into a burgh of barony, and his Highness has subscribed the same,—the said signature granting, among other privileges, the liberties of "ane frie port of packing, peilling, lossing, laidning and selling of staple wairis, sic as skynis, hydis, woll, wyne, wax, and all uther kynd of merchandice and wairis usit to be sauld and bocht within any burgh regale within this realme, with all customes and ankerageis belanging to a port and heaven of a frie burgh." This, the complainers plead, is to the "grite wrak and decay of thair burgh and heaven, quhilk is biggit and repairit be thame for saiftie of schipis and boittis upoun thair grit expenssis."—Charge had been given to Alexander, Master of Elphingstoun, treasurer, and David Hairt, his clerk, to produce this day the said signature for consideration; and now, the provost and bailies of the said burgh appearing personally, and the Treasurer by Mr. Williame Broun, his procurator, who produces the said signature, the Lords ordain the signature not to be expede through the register and seals till the pursuers be first warned and heard to the contrary. Acta 1601-2. Page 678. Page 679.

Demission of the Treasurership by the Master of Elphinston.

Mr. Robert Young appears before the King and Council as procurator for Alexander, Master of Elphingstoun, and with "all reverence and humilitie" presents for registration an act of demission by the said Alexander of his office of Treasurer, possessed by him, to be disponed of as his Majesty shall think expedient. Subscribed at Dumfermeling, 22nd September, before Johne, Earl Montrois, chancellor, Alexander, Lord of Fyvie, president, Sir James Elphingstoun of Barnetoun, secretary, the Comptroller, and Johne Prestoun.[1]

James Moyle against Andrew Spalding, anent reset of stolen goods.

The 15th October next is assigned to James Moill in Catgibbun for proving an allegation in his action against Andro Spalding of Eschintullie, and David Spalding, his son and apparent heir, anent the entry before the Council of Andro Spalding, servitor to the said David, who had stolen from the pursuer, from his lands of Catgibbun, on the night of 9th September 1600, three kye with calf and a bull; which, pursuer alleges, were brought to the lands of Eschintullie belonging to the said Andro and resetted there by his herds for eight days together. Page 680.

Charge for renewed assurance between the Marquis of Huntly and the Earls of Argyle and Moray.

The assurances between George, Marquis of Huntlie, on the one part, and Archibald, Earl of Ergyle, and James, Earl of Murray, on the other part, having now almost expired, but the variance between them remaining unremoved, there is order to command both parties to subscribe, within six

[1] The resignation of the Treasurership by the Master of Elphinston, after he had held it for little more than two years (vol. v. p. 555, note), arose, says Spotswood (p. 466) "upon an offence, as was thought, he conceived for adjoyning some others unto him in the componing of signators." See *ante*, p. 276; but see also, for another probable reason, p. 287. His successor in the Treasurership was Sir George Home of Spott.

ta 1601–2. hours after the charge, under pain of rebellion, such new forms of mutual assurance as shall be presented to them, to endure till 1st January 1603.

Sederunt—Fyvie; Spott; Treasurer; Master of Elphingstoun; Secretary; Comptroller; Ros; Collector; Advocate; Sir Patrik Murray. Edinburgh, 2nd October.

ge 681. The King and Council considering that the "forme and maner of collectioun and uplifting" of the new impost of £20 per tun of wine (*ante*, p. 201), appointed to be paid by the "ventenaris and rynnaris of the wynis," is not only "grevous to the saidis ventenaris" but also "verie uncertane to his Majestie," it is ordained that the first act made anent the said new impost be mitigated as follows:—There shall be uplifted hereafter for every tun imported only £21 (comprehending therein the old impost of £7, 16s. the tun); and this sum shall be paid by the owners and importers by instalments, thus: £7 (the old impost being £7, 16s.) within a month after the loosing of the wines, £7 within three months after the expiry of the said month, and the remaining £7 within three months thereafter. The owners and importers are forbidden to loose their wines till they have given up to the Comptroller an inventory of the whole of the wines brought home by them, and found surety for payment of the said impost, under pain of confiscation of all their wines. It is also declared that the wines to be bought by noblemen, barons and gentlemen for furnishing their own houses shall be free of the last £14 of the impost, and that this deduction shall be allowed to the merchant "in the first end of the dewtie and impoist foirsaid," provided the merchant exhibit to the Comptroller a certificate, subscribed by himself and the said privileged purchaser, testifying the quantity bought and that it is for the purchaser's own use only. Modification of a former Act imposing tax on wines.

Sundry commissions of justiciary having been procured from his Majesty against forestallers and regraters of markets, and against usurers, "the purchessaris quhairof, preferring thair awne private gayne and commoditie and the revenge of thair particular querrellis to his Majesteis honnour, the commonewele of this realme, and to that dewitie quhilk thay aucht to his Hienes in the faithfull executioun of the saidis commissionis, thay use the same for the maist pairt to acquyte personis gilty quha ar thair awne freindis, to revenge thair particularis aganis innocentis quhometo thay beir ony querrell, and utherwyse to mak thair awne privat gaine and advantage, as thay think expedient, and never acknawlegis his Majestie nor his Thesaurar with ony pairt of the escheitis, unlawis and penalteis dew to his Hienes be the executioun of the saidis commissionis, sua that his Majestie is defraudit and prejudgit thairof, and the said unlauchfull trade of foirstalling and regrating not sa deutifullie tane ordour with as his Hienes honnour and the commonewele of the cuntrey requyris": therefore the King and Council discharge all such commissions, and ordain publication hereof to be made by open proclamation at the market crosses of the head burghs. Discharge of all commissions of justiciary against regraters, forestallers, and usurers.

age 681.

Commissioners appointed to assist the new Treasurer in the administration of his office.

His Majesty, having appointed Sir George Home of Spot to be his treasurer, and willing that he shall be assisted in the discharge of his office by such persons of the Council as are "knawne to be wele affectionat to his Hienes service and reddy to gif thair attendance,"ordains that, in "componing ony signature of wecht and importance, or doing of ony uther thing concerning the said office quhilk craveis avyse and counsale," the new treasurer shall use the advice and counsel of Johne, Earl of Montrois, chancellor, Alexander, Lord of Fyvie, president, Sir James Elphingstoun of Barnetoun, secretary, Mr. Thomas Hamiltoun of Drumcairne, advocate, Sir David Murray of Gospertie, comptroller, Mr. Johne Prestoun of Fentounbarnis, collector, Mr. Johne Skene, clerk of register, and Sir Patrik Murray of Gayneis, or of any three of them conjunctly,—said persons to subscribe, with the treasurer, all signatures of any consequence.

Dispensation with certain Acts of Parliament in the matter of the cunyie.

The King having, with advice of his Councillor, Sir George Home of Spot, treasurer, appointed the superexpenses of Alexander, Master of Elphingstoun, late treasurer, to be refunded to him furth of the profit of the present cunyie (*ante*, p. 287), and knowing how necessary it is to the said Sir George "to have for that effect ane convenient stoik furneist be him to the cunyiehous,—quhilk cannot possiblie be had upoun the ordinar proffeit allowit be the Actis of Parliament,"—dispenses with the said Acts in favour of any persons whomsoever that "sall, upoun heyar proffeit, advance ony sowmes of money to his said Counsallour for making of ane convenient stoik to the said cunyiehouse to the effect foirsaid,"—this dispensation to extend only to such sums as shall be advanced for the said stock and for one year after this date. Page 682.

Edinburgh, 3rd October.

Bands by Campbell of Glenorchy for the entry of certain malefactors, and for completing certain securities.

Sir Duncane Campbell of Glenorquhy appears, and becomes bound to enter Johne Campbell *alias* M°Carlich, his officer and chamberlain, and Johne Dow Campbell, his brother-son, upon 28th November next, to answer anent "the burning allegit committit be thame" upon the Laird of Carquhyn, under pain of 5000 merks, or else to cause them to satisfy the said Laird for the said crime at the sight of the chancellor, treasurer, and comptroller. The remission granted to Sir Duncane and his friends is not to be extended to the said persons. Sir Duncane also promises to enter, on the said day, Patrik Dow M°Nab and Duncane Dow M°Ilvalich, to underlie trial for the said crime. Moreover, he becomes bound to remain in Edinburgh till he "mak perfyte and end" the securities appointed to be made by him to Johne Arnot, burgess of Edinburgh, and Robert Arnot in Falkland, anent the payment to them of 25,000 merks, engaging that the same shall be delivered to them by the feast of Martinmas next, under pain of £30,000.

Brechin, 10th October.[1] Proclamation for giving in complaints to his Majesty in his progress in Angus, in order to the

"Forsameikle as, the Kingis Majestie haveing a speciall cair and regaird to reforme, repres and punische the grit enormiteis and maisterfull oppressionis committit upoun his Hienes guid subjectis ouer all the

[1] This dating and the entries following point to a progress by the King in person into the north-eastern shires, of which there is no particular mention in the contemporary English correspondence from Scotland, or in Spotswood or Calderwood.

cta 1601-2.

pairtis of this realme, and quhilkis, be ressoun of the abuse and corruptioun of the tyme past, with the ouersicht and negligence of the inferiour officeris and magistratis, hes had a forder course and progres nor his Majestie could have luiked for, and nor stuide with his Hienes honnour and conscience, his Majestie thairfoir tuik purpois in his awne persone to reforme and punische all the saidis enormiteis and offenssis, and as his Majestie hes begun in the trying and punisching of grit nowmeris of notorious malefactouris (some of thame being of guid birth and calling) in sic pairtis of the cuntrey as his Majestie hes journeyed in this present sommer: swa his Majestie intendis with the lyk examplar punischment to proceid aganis sic malefactouris and maisterfull oppressouris in thir boundis as salbe dilaitit and gevin up to his Majestie; and thairfoir his Majestie ordanis ane officer of armes to pas to the mercat croceis of Brechin and Monros and utheris places neidfull, and thair be oppin proclamatioun mak publicatioun of his Hienes said intentioun, and to warne all and sindrie his Majesteis liegeis and subjectis quha ar onywyse distressit and grevit be the saidis malefactouris and maisterfull oppressouris, that thay gif in thair complaintis to his Majestie, or utherwyse gif prevey informatioun thairof to some of his Hienes domesticquis, to the effect thay may acquent his Majestie with the same, and that thairefter his Hienes may tak ordour for apprehensioun, trying and punisching of the committaris of the saidis offenssis as accordis; quhilk his Majestie promittis to do and caus be done without respect of personis or uther respect quhatsomever."

redress of grievances in those parts.

age 682.

Sederunt—Cancellarius; Spott, Thesaurarius; Comptroller; Sir Patrik Murray; Sir James Sandielandis.

Brechin, 13th October.

Complaint by James Olyphant, son of the late Peter Olyphant of Turingis, and George Andersone, messenger, for his interest, as follows;—The said James, having obtained a decree against David, Earl of Craufurd, and certain tenants of the lands of Ochlaw in the parish of Fynnevin and shire of Forfar, for payment to him of an annualrent of 40 bolls victual (two parts oatmeal and third part bear) annailied to the pursuer by the said Earl furth of the said lands, had raised letters of poinding and committed the execution thereof to the said messenger; who, upon 11th September last, had seized, on the said lands of Ochlaw, four horses and mares and 40 sheep belonging to Johne Dick, and three score sheep, 12 kye and oxen, belonging to George Findlaysoun, tenants of the said lands. While he was executing his office the said Johne Dick and George Findlaysoun, and David Carnegy, Williame Loure there, Johne Adame there, James Adame there, James Barrie there, with others, all armed with halberts, guns and staves, came to the said messenger, and, after saying "thay caired not for the King" and would "ryn a halbert" through the messenger if he meddled with the said goods, violently reft the same from him, thus deforcing him in the execution of his office.—The chief

James Oliphant against George Finlayson and John Dick for deforcement of an officer in execution of his duty.

age 683

pursuer appearing, and passing from the prosecution of all the defenders foresaid except George Findlaysoun and Johne Dick, and these being also present, the Lords find Dick guilty, by his own confession, of taking the horses foresaid, and Findlaysoun guilty of impeding the officer in intromitting with the said goods, and therefore ordain them to be committed to ward in the tolbooth of Brechin, and detained in ward till order be taken for their farther punishment. Acta 1601-2

Brechin, 17th October.

Sederunt—REGE PRESENTE—Cancellarius; Huntley; Spynie; Spot, thesaurarius; Ros; Sir Patrik Murray.

Dispute between Beaton of Melgund and Wood of Bonnyton and Lindsay of Balgay, anent the teinds of the Kirkton of Aberlemno.

Complaint by James Betoun of Melgund, as follows;—His Majesty, for eschewing of trouble between Patrik Wode of Bonnytoun, and Hary Wode, his son, on the one part, and Sir Walter Lindsay of Balgayis, on the other part, anent the right to the teinds of the lands of Balgayis, Turyingis, Pitkenietie, and the Kirktoun of Aberlemno, claimed by both parties, had appointed James Chalmer, the King's own servant, to stack the same upon the lands of Pitmekie, there to remain till it were decided to whom they belonged, as the commission granted to Chalmer bears. Accordingly, Chalmer has already intromitted with the pursuer's teinds of the Kirktoun of Aberlemno, and intends to intromit with the rest of the said teinds. Now, the said teinds belong to complainer, by virtue of a letter of tack made to him by the late James Wode, fiar of Bonnytoun, as the said letter, authorized by a decree obtained by complainer before the commissaries of Sanctandrois, bears. He has peaceably possessed the said teinds during 1600, and his right thereto has never been questioned by the said Patrick during the lifetime of the said late James. Nor can the said Patrick have yet any right to the said teinds, because at the time of the making of the tack the said James was titular of the same, and for a long time afterwards he was "unspotted or suspect" of any crime that could disqualify him to dispone any thing belonging to him,—the sentence against him having been for a crime committed long after the said tack (*ante*, p. 235, footnote). Again, the right alleged by the said Sir Walter is only a gift of the escheat of the teinds of Balgayis, wherein he "craftelie, without his Hienes knawlege," inserted certain teinds of the said Laird of Bonnytone and the complainer's teinds of the Kirktoun of Aberlemno, as his Majesty has declared in presence of his Council (*ante*, p. 285). Even if the complainer's tack might be challenged by Wode or Lindsay, they "wald never have rycht to the leiding of the saidis teindis, becaus the same teindis wes at na tyme within the aige or memorie of man led, bot thay ever remanit with the stoke, and wer rentallit to a victuall dewitie of ten bollis victuall, quhilk is the utter availl of the saidis teindis."—All the parties appearing, the King and Council discharge the commission abovewritten granted to Chalmer in so far as it extends to the pursuer's teinds foresaid, and remit the trial of the rights of parties to the Lords of Council and Session, ordaining Chalmer to restore to the Page 684. Page 685.

Acta 1601-2. pursuer the corns and teinds intromitted with by him by virtue of the said commission.

Oliphant of Turings against the same Wood and Lindsay concerning the teinds of Turings.

Complaint by Peter Olyphant of Turingis, as follows;—Patrik Wode of Bonnytoun and Sir Walter Lindsay of Balgayis, disputing the right to the teinds of the lands of Turingis in the parish of Aberlemno belonging to complainer, his Majesty had directed his own servant James Chalmer to
Page 686. stack the same in some "indifferent place" till it were decided to whom they pertained. Now, the said teinds having been led by the said Peter and his predecessors from time immemorial, on payment only of a certain duty for the same, it would be unreasonable that complainer should be dispossessed by the commission to Chalmer.—Both parties appearing, the King and Council suspend the said commission, as it concerns complainer, and remit the trial of the rights of parties to the Lords of Council and Session.

The Marquis of Huntly rebuked for carelessness in the execution of the laws within the bounds of his northern lieutenancy, and especially for his laxness in dealing with Gordon of Gight: injunctions to the Marquis for the future, and his promise to obey them.

George, Marquis of Huntley, appearing, has it explained to him by his Majesty "how that his Hienes authoritie and lawis are maist heichlie vilipendit and contempnit within the boundis of his office and commandement, not onlie be oppin and avowed ressett, confort and countenance schawne to Jesuittis, seminarie preistis, excommunicat and trafficquing papistis,—commoun ennemeis to Godis treuth and all Christeane government,—bot be the rebellioun of a grit nowmer of personis of all rankis and degreis, quha maist contempnandlie lyis at the horne unrelaxt, and be the frequent and avowit beiring and weiring of pistolettis, quhilk his Majestie hes so cairfullie prohibite and dischairgeit, besydis mony grit and maister-
Page 687. full oppressionis and enormiteis committit upoun his Hienes peceable and guid subjectis without dew redres and controlment; and how that now of lait thair wes a maist vyld contempt and indignitie done to his Majestie be Williame Gordoun of Geycht, quha, to the contempt and dishonnour of his Majestie, forceit and compellit ane officer of armes to supe his Majesteis letters, quhilkis the said officer had put to executioun aganis him. The reparatioun and ordour-taking with the quhilkis enormiteis being dew to the said Marques as his Majesteis cheif magistrat and officer in thay pairtis, and he being utherwyse bound to his Majestie, alswele be his allegeance as be the monyfauld obligationis and pruifis quhilkis he hes had of his Majesteis favour fra tyme to tyme, his Hienes thairfoir can tak him to nane bot to the said Marques, as his Majesteis officer fra quhais oursicht, negligence and undeutifull executioun of his office this universall contempt of God, law and justice hes proceidit." Accordingly, his Majesty, in presence of the Council, commands the Marquis to apprehend the said Gordoun of Geycht, and to bring him, "quick or deid," to his Highness, or, if the said Gordoun escape apprehension, then to do his utmost in holding him furth of the bounds of his office, and to assist the King's servant in intromitting with the goods and house of the culprit. The Marquis is also required to apprehend all Jesuits, etc., and all persons lying at the horn, with all bearers of hagbuts and pistolets, and either to cause all rebels to satisfy the Treasurer for their escheats or else to pursue them, conform to the duty of his office. In

like manner he is charged to take order with "all maisterfull oppressioun" committed within his bounds, and to report his diligence in the premisses by 30th November next.—The Marquis being present, with Johne Gordoun, his depute, promises to fulfil these directions, so that his Majesty shall have no farther cause of complaint against him. Acta 1601-2.

Renewed proclamation for giving in complaints from the country of Angus.

Notwithstanding the recent proclamation warning all the lieges within the country of Angus aggrieved by malefactors to give in their complaints (*ante*, p. 292), they have been "conceillit and haldin up fra his Majestie," because the said malefactors are dependers upon some chiefs of clans who protect them, so that the aggrieved parties, "feiring forder trouble and molestatioun," dare not complain. Proclamation is therefore ordered at the market cross of Brechin warning all the lieges in Angus who have complaints to make to give in the same to his Highness or the Treasurer by 24th instant, or privately to signify, by "valentines" to his Majesty, or to any of his Council, gentlemen of the chamber, or domestics, the names of their oppressors and their masters. Page 688.

Promise by the Marquis of Huntly.

For satisfying the charge given to the Marquis of Huntly to appear upon 3rd November next for the submission of the feud between him and the Earls of Ergyle and Murray (*ante*, p. 290), the said Marquis now appears, and promises to his Majesty to subscribe the said submission whenever it shall be presented to him.

Brechin, 24th October.

Sederunt—REGE PRESENTE—Cancellarius; Mar; Spynie; Spott, thesaurarius; Secretarius; Ros; Sir Patrik Murray.

David Wylie against David Pinkieman and others for assault and shooting.

Complaint by David Wylie, sometime in Newbigging and now in Middletown, that, upon 25th April 1599, David, James, and Walter Pinkiemanis, Alexander Goof and James Burne there, waylaid the pursuer while he was coming out of the kirk of Fettircairne from the Holy Communion, and wounded him with swords and other weapons, and also that, upon 11th June 1599, while the complainer and his brother James were walking through the town of Bogintilloch, the said James Pinkieman, with others, "being darnit and quyet within ane hous in the said toun," shot pistolets at them from the windows of the same.—Parties having been called [no farther proceedings recorded, blank space being left for the decree]. Page 689.

A poor widow against William Wood for spuilyie.

Complaint by Katherene , widow in Fairniehill, that, in May 1596, Williame Wode, brother of the Laird of Balbegno, reft from her twelve sheep and three kye, so that she has been compelled since to "beg for miserie and laik of fuide," and that, "quhen the said complener complenit to his Majesteis schiref of Kinkairdin and myndit to have intentit spuilyie aganis him thairfoir, he then pat violent handis in the said complenar, dang and strak hir, and said gif ever he fand hir plainting on him he sould cast hir in a peitpot and droun hir."—Both parties appearing, the King and Council ordain the defender to be committed to ward in the tolbooth of Brechin, and there to remain till he restore the goods abovewritten. Page 690.

Acta 1601-2.

The Earl of Errol and George Hay.

The 19th November next is assigned to Francis, Earl of Errole, for presenting, under pain of rebellion, George Hay of Muchallis before the King and Council, that some order may be taken anent the liberty of the said Hay. The Earl, being present, is warned hereof.

To denounce the Robertsons of Straloch, elder and younger, for not answering for a rebel.

Complaint by George, David, Issobell, Elspett, Jeane and Mareoun Ramsayis, bairns and executors of the late Patrik Ramsay in Haltoun of Rattray, as follows:—Williame Dow *alias* M°Vorie, herd to Johne Robertsoun of Straloche, and to Johne Robertsoun, fiar of Straloche, his son, had been put to the horn at the instance of the pursuers for not answering to their complaint against him for the "thifteous away-putting of ellevin oxin," committed to him "in gersing" by their said father. As

Page 691.

he still remains at the process of the horn, his said masters ought to make him answerable to justice.—The pursuers appearing, but the Robertsons neither appearing nor having produced the said rebel, the order is to denounce them rebels.

Thomas Begg against Thomas Lyell for the reif of an ox.

Complaint by Thomas Beg in Pitforthie that Thomas Lyell in Balmiliemylne, accompanied by four others, armed with pistolets, came on to the pursuer's lands in Pitforthie and violently reft from him an ox worth 40 merks, which Lyell still detains, threatening to have com-

Page 692.

plainer's life if he seeks redress at law.—Both appearing, the defender is ordained to restore the ox or its price, and to find caution in 200 merks for the indemnity of the pursuer.

To denounce Gordon of Gight for not answering to a charge of violence and contempt to a messenger of arms.

Alexander Chalmer, messenger, had, upon 27th September last, executed letters raised against Williame Gordoun of Geycht by Mawnis Mowat, apparent of Boquhallie, charging him to answer for certain crimes, and to find lawsurety to Mawnis (*ante*, p. 283). While returning from the place of execution, he was pursued by a number of the said Gordoun's men and violently brought back to the Laird of Geycht, who, at first sight of the officer, would have shot him with a pistolet if he had not been stayed by some persons present. "He then hurlit him within his hall, tuik the copyis" of the said letters, believing them to be the principal letters, and "kaist thame in a dische of bru" and forced the said officer to "sup and swallow thame [*ante*, p. 295], held ane drawne dager foiranent his hairt, avowing with mony horrible and blasphemous aithis to have thrust the dager throw his hairt gif he had not suppit the saidis copyis: and, efter that the said officer, for feir and saulftie of his lyfe, had swallowit the saidis copeis, the said Laird getting some previe informatioun that the principall letters wer yet extant, and that the copeis wer only destroyit, he come to the said officer in a new rage and furie, raif the principall letters oute of his sleif, raif thame in peices and kaist thame in the fyre."—

Page 693.

Gordoun not appearing, the order is to denounce him rebel.

Prosecution of Gordon of Gight, younger, for resetting the Jesuit, Mr. John Hamilton: the

William (?) Gordoun, apparent of Geycht, appearing to a charge of having often, notwithstanding divers proclamations to the contrary, resetted Mr. Johne Hamiltoun, who has made "schamefull defectioun and apostacie fra the treuth" and been "a trafficquar and practizar aganis the lauchfull authoritie and governament of Princeis," and the said Gordoun having

charge denied, but Gordon committed to ward as himself an "excommunicate."

denied by his great oath that he ever resetted Hamiltoun, the King and Council, in respect that Gordoun is himself at all events "excommunicat," ordain him to enter in ward in the burgh of Montrois and remain there till he be freed by his Majesty,—"to the effect in the meanetyme he may have conference with the ministeris, and be resolvit be thame in sic heidis and pointis of his religioun quhairin he standis in doubt." He is required to find caution in 5000 merks to that effect; and Sir David Wode of Craig becomes his surety. Acta 1601-2. Page 694.

Dundee, 28th October.

Sederunt — PRESENTE REGE — Cancellarius; Spott, thesaurarius; Secretarius; Spynie; Sir Patrik Murray; Elimosinar.

William Gray nominated Sheriff-depute of Forfar.

The King, with consent of Patrik, Lord Gray, sheriff principal of Forfar, appoints Williame Gray of Inchesture to be sheriff depute of the said shire, who, being present, gives his oath *de fideli administratione.*

Falkland, 30th October. Commission to the Earl of Errol of justiciary against Gordon of Gight and the rebels who adhere to him.

Whereas (1) Williame Gordoun of Geicht, Johne, Adame and Williame, his sons, George Gordoun, sometime at the Brigend of Turreff, and now in Little Geycht, Williame Ker, Walter Young, Patrik Gordoun, and Johne Craufurd, all household servants to the said Laird of Geicht, Robert Dalgleisch and George Davidsoun, also his servants, and Andro Meldrum, son of the Laird of Drumbrek, had been put to the horn at the instance of Mawnis Mowat, apparent of Boquhallie, Williame Duffus in Turreff and Mr. Thomas Hamiltoun of Drumcairne, King's advocate, for not finding caution to appear and answer touching their convocation in arms, and coming by way of hamesucken to the place of Boquhallie, and there shooting hagbuts, muskets and pistolets through the windows for the slaughter of the said Mawnis, and also for having come, at 11 o'clock at night, to the town of Turreff, and there, "be way of hamesucken and brigancie," broken up the doors of many houses and searched for Alexander Coupland and Raulf Anislie to murder them in their beds, and shot "aucht dropis of leid" in the body of Williame Duffus (*ante*, p. 284); and whereas (2) Williame Gordoun of Geicht, Johne Gordoun, his second son, and George Gordoun, were also denounced rebels at the instance of the said Mawnis for not finding caution for his indemnity (*ante*, p. 283); and whereas (3) Williame Gordoun of Geycht was put to the horn at the instance of George, Earl Merschall, Dame Margaret Ogilvy, his spouse, Johne Keyth, captain of Dunnotter, and James Hog in Balbrodie, for not entering Alexander Keyth, whom he had resetted after the said Keyth had broken ward furth of the castle of Dunotter and been convicted of theft (*ante* p. 188); and whereas (4) Williame Gordoun of Geycht, Androw Meldrum, son of the Laird of Dumbrek, and George Gordoun at the Brigend, were also denounced at the instance of the said Mawnis Mowat, Alexander Coupland, and Willame Duffus, inhabitants of Turray, and Raulf Anislie, servitor to Frances, Earl of Erroll, for not appearing to answer to a complaint made against them by the said persons; and Page 695.

Acta 1601–2. whereas (5) the said Williame Gordoun of Geycht, in addition to all these acts of rebellion, has put violent hands in Alexander Chalmer, messenger, treated the said messenger with most signal contempt, and has been denounced rebel on that ground also; and whereas (6) the said Gordoun of Geicht and his accomplices foresaid, though still at the horn, yet repair pub-
Page 696. licly to all parts of the country armed with muskets, hagbuts, petrinels and pistols, and committing open reifs upon such of the lieges as they bear any quarrel with:—Therefore, the King, with advice of his Council, grants commission to Frances, Earl of Errole, to convocate the lieges and to search for and apprehend the said rebels, with power to do all things necessary for the execution of this commission. There is to be charge to the lieges
Page 697. within the bounds of the shires of Aberdene and Banff, by open proclamation at the market crosses of the head burghs of the same, to rise and assist the said Commissioner when required, with prohibition to them to reset the foresaid rebels, under the pains in the Acts of Parliament. It is also declared that, if, during the said commission, the Marquis of Huntley, lieutenant of the North Isles, shall make any proclamation requiring the lieges within his lieutenancy to accompany him to the said Isles, the persons assisting the Earl of Errole in his said commission shall not be obliged to accompany the said Marquis.—The execution of this commission against the said Laird of Geicht is superseded, however, till 15th November next.[1]

Falkland, 31st October. Continuation of an action by the burgh of Perth against the burgh of Dundee.

The action by the burgh of Perth against the burgh of Dundie, touching the direction of certain inhabitants of Dundie in arms for the boarding of a ship of Perth called "The Maryflour" (Thomas Blair in Dundie master) while she was coming up the Tay toward the shore of Perth this month, is continued, by his Majesty's order, without prejudice of party, till 24th
Page 698. November; of which continuation Olipher Young, , bailies of Perth, with a number of the council thereof, and Robert Flescheour, Patrik Lyoun and Mr. Johne Lowell, bailies of Dundie, being all present, are duly warned. The reason for the continuation is that the said bailies of Dundie have protested that procedure in the said action at this time should not prejudice them, because his Majesty, "at his lait being in Dundie," had declared to them that he would not receive this matter at this diet, "bot had onlie a mater of freindschip to propone to thame," so that, "leaning to his Majesteis declaratioun," they had not come provided to "defend in this actioun nor to persew thair awne caus aganis the toun of Perth." Both parties are to appear on the said day of continuation, with full powers to submit the controversy between them to neutral friends to be then nominated, with his Highness as oversman.

Falkland, 1st November. Interpretation of a decree-arbitral between the Earl of Atholl and

Johne, Earl of Athoill, and Sir Thomas Stewart of Gairnetullie, appearing before his Majesty, consent that his Highness shall interpret the decree

[1] The Gordons of Gight in Aberdeenshire, figuring so remarkably in this and other recent entries, were, it may be worth while to remember, the maternal ancestors of Lord Byron.

Stewart of Grantully referred to the King.

arbitral pronounced by him between them, and become bound to fulfil whatever he shall pronounce in his explanation, which his Majesty promises to give by 25th December next. If the said day shall expire before the said interpretation is given, his Majesty and both the said parties agree that this act shall have no subsequent force, and that the parties shall then be as they were. Acta 1601-2.

Edinburgh, 5th November.

Sederunt—Fyvie; Spott, thesaurarius; Kinlos; Halyruidhous; Collector; Privy Seal; Clericus Registri.

To denounce Dempster of Murehouse and others for not answering to a charge of oppression and spuilyie.

Complaint by Williame Cruikschank of Tullimorgoun, as follows:—Thomas Dempster of Auchterles, and James Dempstar, his son and apparent heir, both of whom are lying at the horn, "maist havelie" trouble complainer and his tenants in the possession of their lands and goods. "To culour thair extraordinar and violent proceidingis with ane pretence of law," they hold courts on the said tenants and pronounce decrees,—whereby they, and Williame Dempstar, son of the late Archibald Dempstar in Assewell, Adame Gordoun, son of Gordoun of Halheid, Johne Meldrum, officer in Fyvie, Thomas Cokkar, and Johne Leslie, notary, violently took from Alexander Cruikschank in Baikiehill a mare worth £20 and "twa panis," from Thomas Ingram in Reidhall a mare worth £20 and "twa pannis," from Thomas Lamb there a horse worth £16, from Andro Murray in Fisherfuirde a horse worth 40 merks and a new black cloak worth 20 merks. By these reifs and oppressions they intend to debar complainer from his lands and heritage; "lyke as, to the forder contempt of his Majestie, thay abuse his Hienes authoritie in sitting and halding of courtis as judges and magistrates, thay with thair clerkis and officeris of court being all rebellis."—The pursuer appearing, but none of the defenders, the Lords ordain them to be denounced rebels. Page 699.

Suspension of letters of lawburrows, under pain of horning, obtained against Thomas Paton by John Graham.

Complaint by Thomas Patoun in Castelhill, as follows:—Johne Grahame of Knokdoleane, alleging that complainer troubles him by withholding certain of his lands from which he obtained decrees of removing against Patoun, has obtained letters of lawburrows charging complainer to find caution in £500 for his indemnity, under pain of horning. Now, Grahame has not given his oath, nor can in conscience say, that he dreads bodily harm from the pursuer, who has never offered him wrong and has thankfully paid him maill and duty these many years. Grahame has executed the said letters against complainer only in the hope that "be negligence and ignorance he sould gang to the horn," so that Grahame might obtain the gift of his escheat and therefore make complainer's tack to fall in his hands. Further, complainer being a "puire simple man," having only a piece of ferm land not above six acres, and not worth in goods 100 merks, the said penalty is far above his means, and contrary to the Act of Parliament, which limits the sum for a person of his condition to 100 merks. For eschewing of the danger of horning, he has found caution as required, but pleads that the said letters should be suspended. Page 700.

Acta 1601 2. Page 701. —The complainer appearing, but not the defender, the Lords do suspend the said letters, and modify the said penalty to 100 merks.

To denounce Scott of Balweary and others for not answering to a charge of injury.

Complaint by Patrik Pitcairne of Pitlour, as follows:—Williame Thomesoun in Casche, Johne Scot there, Johne Scott in Stramiglo, Walter Smyth there, Thomas Guidwillie there, Symsoun there, Peter Buchrie there, James Stevinsoun at the Mylne, Johne Keid there, Robert Guidwell in Demperstoun, Andro Storor, Alexander Storor, Williame Gairdner, Williame Symsoun, Williame Gib in Stramiglo, Thomas Gib in Demperstoun, Williame Brysoun there, Micchell Guidwillie, and Patrik Scot, with others, all armed, and all Sir James Scot of Balweirie's men, came at night, by the said Sir James's special causing, to the complainer's lands of Fos, and there with their swords and other instruments cut and destroyed the whole corns growing on the said lands.—Charge had been given to the said Sir James, Patrik Scot, Alexander Storor, Andro Storor, Williame Gairdner, Williame Brysoun, Mitchell Guidwillie, indwellers in Demperstoun, Williame Gib in Stramiglo, and Williame Stevinsoun, to appear personally, and to the said Sir James, as master of the other persons, to enter them before the King and Council this day; and now, the pursuer appearing, but none of the defenders, the order is to denounce them all rebels.

Page 702. Charge to Lord Herries to appear and bring with him the Captain of Hoddum, his man.

Charge to be given, under pain of rebellion, to Williame, Lord Hereis, to appear personally, and bring James Murray of Irnealmerie, captain of his castle of Hoddum, his man, before the King and Council upon 19th November instant, to the effect that the said Lord may give his best advice touching the weal and quietness of the country, and that the said James may answer to such things as shall be laid to his charge touching the slaughter of Sir Johne Carmichaell of that Ilk, warden of the West March.

Suspension of letters of horning obtained against Patrick Gray of Ballegeno.

Complaint by Patrik Gray of Ballegeno, as follows:—His Majesty, "be sinister informatioun," has directed a charge of horning, given under his signet and subscribed with his hand at Striviling 22nd August last, to the effect that, as Williame, fiar of Bandane, younger, pretends right to the teinds of Bandane of 1601, on the one side, and the pursuer on the other side, and as parties are minded to make convocation for leading the same, they are commanded to suffer Patrik Kynnaird, elder of that Ilk, as a neutral person, to stack the teinds in some "indifferent place." Now, pursuer and his predecessors, past memory of man, have been tacksmen of the said teinds, and pursuer has led part of the same this year, according to Page 703. old use and wont; and so the said Williame has no right thereto. If the said teinds be intromitted with by a neutral man, they will be "in point and hasard of tinsall, to the said compleneris grit hurte, for the quhilk he mon pay ane grit yeirlie dewtie contenit in ane letter of tak maid to him upoun the same." Yet, for the better trial of the complainer's rights, he has found caution to make the teinds forthcoming to Williame or any other person establishing title thereto.—The pursuer appearing, but not the defender, the Lords suspend the said charge.

Suspension of letters of horning obtained against Alexander Melville by Moncreiff of that Ilk.

Complaint by Alexander Melvill, son of Johne Melvill, elder of Carnetie, that he has lately been charged by letters at the instance of Williame Moncreif of that Ilk to find caution in 2000 merks for the said Moncreif's indemnity, under pain of rebellion. Now, Moncreif's only object is to draw complainer under the danger of horning, and so obtain a gift of complainer's escheat; and, as Moncreif will not make faith that he dreads bodily harm or oppression at the hands of complainer, and as the said penalty is far above the sum appointed by Act of Parliament for a person of complainer's condition, he being his father's third son, and having neither lands nor heritage, "bot onlie his meit and his cleithing of his said fader," and as complainer nevertheless has found caution conform to the said letters, therefore, the same should be suspended.—The pursuer appearing, but not the defender, the Lords do suspend the said letters, and ordain the penalty to be modified to 500 merks. Acta 1601-2. Page 704.

Edinburgh, 6th November.

Sederunt—Fyvie; Spot, thesaurarius; Kinlos; Halyruidhous; Privy Seal; Collector; Advocate; Clericus Registri. Page 706.

Decree against Gordon of Lochinvar, younger, and his surety, for having contravened an act of caution.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hamiltoun of Drumcairne, King's advocate, as follows:—Upon 3rd May 1600, Sir Robert Gordoun, apparent of Lochinvar, as principal, and Williame M°Culloch of Mertoun, as surety for him, became bound that Sir Robert and his men should observe the King's peace and be answerable to justice, under the pain of £10,000. Yet, the said Sir Robert, with convocation of the lieges, all armed with unlawful weapons, came to the place of Barnebarroch, belonging to Sir Johne Vaus of Longcastell, and pursued him and his servants for their lives. Further, in September last, the said Sir Robert, Johne Gordoun of Pennynghame, Alexander Gordoun of Auchlen, his brother, Williame and Robert Gordoun, also his brothers, and Glendoning, younger of Drumrasch, with others, most unmercifully slew George Stewart of Dunduff in the highway between the town of Wigtoun and the Clarie. Wherefore, the said Williame as cautioner should make the said Sir Robert answerable to justice.—The pursuers appearing, and having passed from the part of the summons concerning the said slaughter, and the defenders appearing by George Redik, who excuses the absence of the said Sir Robert in respect of the hornings under which he lies, the Lords find this excuse to be insufficient, and therefore declare the said Sir Robert and the said Williame to have incurred the said penalty, and ordain letters to be directed against them for payment of the same to the Treasurer. Page 705.

Discharge of the lawsurety between Lord Kinloss and Henry Wardlaw.

Eduard, Commendator of Kinlos, on the one part, and Henrie Wardlaw of , on the other, appearing, consent to the deletion from the Books of Privy Council of the acts of lawsurety found by them *hinc inde.*

Sederunt—Cancellarius; Wyntoun; Fyvie; Uchiltrie; Roxburgh;

Acta 1601-2.

Master of Elphingstoun; Blantyre; Kinlos; Halyruidhous; Thesaurarius; Secretarius; Advocate; Collector; Tracquair; Justice Clerk; Privy Seal; Clerk Register; Sir James Sandelandis. Holyrood-house, 10th November.

Page 707.

Complaint by Robert Montgomerie of Skelmorlie, as follows:—Johne, Marquis of Hamiltoun, has lately procured letters charging him, under pain of rebellion, to render to him Allaster M°Allaster, son of the late Charles M°Allaster, sometime tutor of Loup, delivered to complainer by his Clan till complainer should have redress of the loss sustained in the seizure of his house and goods in Knokransay in Arrane; and, for the complainer's disobedience, the said Marquis has already denounced, or at least intends to denounce, him to the horn. Now, the time allowed by the letters was too short, "in respect of the distance of the said complenaris hous of Knokransay, being tuenty myllis of sey gait betuix the same and the mayne schoir, and fra the mayne schoir to the Court thrie scoir or four scoir myllis, his Majestie being for the tyme of the said chairge resident at the burgh of Perth; quhairby it wes unpossible to the said complenar ather to rander the said Allaster or to seik remeid at Court within sua schort a space,—the said complenar being in the Lawland for the tyme, and the said charge gevin at his hous of Knokransay, sua that it come never to his knawlege." Had it come to his knowledge, he would have pleaded the following reasons against the charge:—In the month of 1600, while he was in the Lowlands, his said house of Knokransay had been taken by the Clan Allaster, and his wife and bairns detained as prisoners, and his whole moveables and furniture, to the value of £20,000, spuilyied by the said Clan. Upon his suiting for redress, the said Allaster had been delivered to him in security for reparation of his loss, and for the good order of the Clan in the country meanwhile. But, before delivery to him of the said Allaster, he had been compelled not only to give his band in £40,000 for the redelivery of Allaster to Angus M°Conneill, and Archibald M°Conneill, his son natural, but also to grant them the security of his lands in the Highlands for his payment of the said sum. If, therefore, he had delivered the said Allaster to the Marquis, according to the said charge, he should have endangered himself not only in the said pain, but also in the right of his lands, and should thus have lost all chance of redress for his goods spuilyied as above. For the said Angus and the Clan Allaster, "being sic unhappy peple and of sic force as the said complenar is unhable to resist," would, under the pretence of his said band, "intruse themeselffis in the possessioun of his landis, to the utter wrak of him, his tennantis and servandis." Further, "the said Marques of Hamiltoun hes na just ground nor enteres quhairupoun to suite the delyverie of the said Allaster in his handis;" the effect of which, besides "wrak and trouble" to the complainer, would be that "the haill cuntrey salbe disquyetit be the insolence of that Clan." Nevertheless, he has found caution to enter the said Allaster, if it shall be found that he

Page 708.

Suspension of the charge of horning against Montgomery of Skelmorly by the Marquis of Hamilton, for the non-delivery of Allaster MacAllaster.

ought. On these grounds he prays suspension of the said letters.—The pursuer appearing, but not the Marquis, the Lords do suspend the letters. Acta 1601-2.

Proclamation against aiding the Irish Rebels against their gracious Sovereign the Queen of England.

"Forsameikle as, albeit thair hes bene mony actis and ordinanceis sett doun be his Hienes and his Estaitis, and dyvers proclamationis and uther publict edictis proceiding fra his Majestie, prohibiting and dischairging the suppleing or conforting with men, victual or armour, the rebellious subjectis of Ireland, traytouris and rebellis to his Hienes darest suster, the Quene of England, thair maist gracious Soveraigne, and that for performance of dyvers his Hienes promeissis baith be word and wret maid anent the continuance of the amitie betuix the tua realmes, nochtwithstanding, as his Majestie is enformed, sindrie of his undewtifull subjectis, preferring thair naughtie gayne and particular commoditie to his Hienes honnour and obedience, hes thir dyvers yeiris begane secreitlie convoyit furth of the West pairtis of this realme all sic commoditeis as be his Majesteis lawis and proclamationis ar forbiddin; quhairby not onlie hes the saidis traytouris and rebellis bene confortit and fosterit in thair detestable rebellioun and tressoun aganis thair Soveraigne Princes, bot with that thay have maist schamefullie and disloyallie schaikin af thair obedience and allegeance to the Croun of England, and hes yeildit thameselffis and maid thair homage to the King of Spanie, ressavit ayde and assistance fra him, and hes transportit within thair bossome bandis of his men of weir, accumpanied with grit nowmeris of Jesuittis, seminarie preistis and utheris avowed papistis, commone ennemeis to all christeane governament; quha hes satled thameselffis within the said cuntrey of Ireland, making oppin professioun of thair idolatrie: quhilk vicinitie of sa myghtie a monarch can not bot cary with it ane imminent danger, als weill to the libertie of the trew religioun as of the crownis and estait of this haill Ile of Britane, quhairof Ireland is a proper dependance, sua that thair is mair nor just caus tymouslie to prevent and foirsie the inconvenientis appeirandlie to follow heirupoun: And, albeit his Majestie hes no caus to dout bot all his guid subjectis, als weill for preservatioun of the trew religioun quhilk thay profes as for the weill and libertie of thair native cuntrey and thair allegeance to his Hienes, will now, quhenas thay sie the danger so approcheing, contene thameselffis fra suppleing the saidis rebellis and attempting ony thing that may incres thair danger; yit, least ony evill disposed personis, or lewd catives to quhome thair unworthie gayne is thair God, wald do ony thing in contrair of his Hienes ordinances abonewritten, that the terrour of the paine may restraine all sic as nather the feir of God, obedience to thair Prince, or naturall cair of thair libertie, wyfis or bairnis, will contene in thair dewtie, his Majestie ordanis letters be direct to officeris of armes, schireffis in that pairt, chairgeing thame to pas to the mercat croceis of Irwing, Air, Renfrew, Dumbartane, Glasgow, Kirkcudbrycht, Wigtoun, and utheris townis and sey portis of this realme, and thair, be oppin proclamatioun in his Hienes name and authoritie, command, chairge and inhibite all and sindrie his Majesteis liegeis and subjectis, of quhat estait, Page 709.

.cta 1601-2. qualitie or degrie so ever thay be, that nane of thame presume nor tak upoun hand to transport or carie in Ireland to the saidis rebellis and traytouris, or to the Spanyeardis within the cuntrey of Ireland, ony viveris, munitioun, poulder, bullet, or ony uther thing necessar or confortable to thame, under the paine of tressoun; with certificatioun to thame that failyeis that thay salbe persewit as giltie of lesemajestie in hiest degrie, and as traitouris to God and ennemeis to thair native Prince and cuntrey and betrayeris thairof to strangearis; certifeing alsua all and sindrie personis quha sall knaw of the transporting of the saidis commoditeis and sall not reveill the same to his Majestie and Counsall that thay sall incure the lyk paine of tressoun, and salbe persewit and puneist thairfoir indifferentlie with the saidis transportaris with all rigour and extremitie; and in speciall the magistratis of burrowis that sall permit or conceill the same within thair jurisdictionis salbe as giltie as the proper actouris thairof."

Discharge of convocation of the lieges around Maxwell of Calderwood and Maxwell of Newark at the "day of law" appointed to them.

Notwithstanding the divers Acts made against the "unlauchfull convocationis and the grit and monstrous bakis and companyis quhilkis hes bene sa frequent and commoun at dayis of law,"—especially the Act of
age 710. Estates ordaining that neither party to a lawsuit shall come to court accompanied by more than 24 persons, and that each party shall keep their lodging till the hour of cause, when first the one and then the other shall be brought out by the "toun in armes," and attended from their lodging to the bar (Acts of Parl. 1598, c. 1, iv. 159; 1600, c. 31, iv. 234),—yet Sir James Maxuell of Calderwode, on the one part, and Patrik Maxuell of Newwork and Lekky of that Ilk, on the other part, have given warning to all their friends to accompany them to their day of law upon 25th instant. There is order, therefore, to charge them to cease from such convocation of the lieges on the said day, under the pains contained in the said Acts, and also to command, by open proclamation, all the lieges to refrain from accompanying the said parties, under the pains against unlawful convocation.

To denounce Duncan MacGregor and others.

Complaint by Sir Duncane Campbell of Glenurquhy, superior and heritable proprietor of the lands underwritten, and Donald M°Innes in , his tenant of the same, that, in September and October last,
age 711. Johne Dow M°Gregour Neikpatrik in , Duncane M°Patrik, his brother, Duncane Dow M°Keaneweikane in , Patrik M°Mueikane, his brother, Gregour Ammoch in , Johne , his brother, with others, all armed with "habershois, polaixis, tua-handit suordis," and with hagbuts, pistolets and other unlawful weapons, came to the said tenant and his servants while they were leading the corns which grew upon the lands of , obstructed them in transporting the same, and "maisterfullie brak doun the vownis and caris quhairinto the saidis cornes wer caryit," avowing to bereave them of their lives if they presumed to resist.—Sir Duncane appearing by Robert Campbell, his son, the above named defenders, for not appearing, are to be denounced rebels.

Suspension of charge of horning against

Complaint by Johne Kinloche and Robert Clerk, portioners of Luchrie, and James, Johne, Alexander, and George and Robert Clerkis, sons of

John Kinloch and others.

the said Robert, that they have been charged by letters raised by Androw Patersoun of Dunmure, portioner of Luchrie, and George Patersoun, his son, fiar thereof, to find aution for their indemnity, the first two in £1000 each, Henry Clerk (*sic*) in £500, and the rest in 300 merks each, under pain of rebellion. Now, the pursuers never molested the defenders; and, even if they had, the said pains are far above the sums prescribed by the Act of Parliament,—the said Johne Kinloch and Robert Clerk being only feuars and portioners of the lands of Luchrie, and the others being but young men, none of them worth 100 merks.—Johne Kinloch and Robert Clerk appearing for themselves and the other pursuers, but the defenders not appearing, the Lords suspend the said letters. Acta 1601-Page 712. Page 713.

The weavers of Edinburgh against a certain Dutchman for exercising the craft of weaving in the said burgh by licence from the King.

Complaint by the provost and bailies of Edinburgh, and by Archibald Stewart, deacon of the weavers there, for himself and the other brethren of the said craft, as follows:—They are charged, under pain of rebellion, by letters at the instance of Cornelius Draggie, Dutchman, to desist from troubling him in the weaving of fustians and all other stuffs, and to permit him to exercise the craft as if he were a free burgess of the said burgh, conform to the King's licence granted to him for life. Now, the said licence has been granted to Draggie "upoun sinistruous narratioun," bearing that he is "apt and experimentit in weaving of stuffis of all sortis," whereas the very contrary is the truth, "he nawayis haveing experience or practize of that calling, in sa fer as he wes not personallie present within this realme the tyme of the granting of the said licence to have maid ane assay of his knawlege, quhilk, with his aith for leill and trew serving of his Majesteis liegeis, sould have proceidit befoir the said licence had bene grantit: bot he, for the greid of unlauchfull lucre, not compting be quhat unlesum meanis he acquyre the same, takis upoun him that naikit name, but effect, to be callit ane wevar, layand his place, suppois he can do nathing in that airt himself, yet, in respect of the indulgence grantit be his Hienes to strangearis, to fie and conduce the said deacone and his bretheringis awne servandis, quha wes traynit up be thame in that calling, to work his wark. Lyke as the said Cornelius wyfe, now in his absence, hes thame presentlie in hir cumpany, and sua he and scho ressavis the undeservit gayne of thair labouris. Lyke as the said Cornelius wes never heirtofoir estemit to be ane wevar; bot, as it is notour to all quha ever knew him, he professis the only airt of lapidarie, and usis and exercis that calling, as salbe sufficientlie verefeit and provin in presence of the Lordis of Secret Counsall. Secundlie, the granting of the said licence importis not only a daylie preparative to utheris to obtene the lyke, bot with that the utter domage, undoing and detriment of the said craft of wobster-craft, in sa fer as the said deacone and his brethrene ar his Hienes frie liegeis, burgessis and friemen of the said burgh of Edinburgh, subject in taxation, watching, wairding and sic uther impositionis as occuris, conforme to the lawis and ordinanceis, sua that it is na resoun that the said Cornelius, quha is not only ane grose ignorant of thair said calling, bot alsua ane unfrie persoun abrogatand the Page 714.

cta 1601-2.

privilegis of our said burgh, sould be ony unlesum pretext cum in at his awne hand, gang betuix thame and thair levingis, the said craft being the only thing quhairby thay leif, and the said Cornelius besydis that haveand and professand the use and exercise of mony uther callingis. Thridlie, as all craftis within the said burgh hes recourse and adherence to the lawis and Actis of Parliament maid anent the defending of thair liberteis and fredomes, sua that na stranger or uther personis are tollerat to usurp or abrogat ony point thairof, the said deacone and his brethring thairfoir, as his Majesteis liegeis, als frie and als necessar ane craft within ane commonweill as utheris, ar acclevis to the saidis ordinanceis of the law and Actis of Parliament and desyris executioun thairupoun, as accordis, aganis the said Cornelius." On these grounds the said letters ought to be suspended and the said licence declared null. Still, complainers have found caution to desist from troubling the defender if, after trial, it shall be so decerned.—The said Archibald Stewart appearing for the pursuers, but the defender not appearing, the Lords do suspend the said letters and the said licence.

Sederunt—PRESENTE REGE—Cancellarius; Uchiltrie; Fyvie; Newbottle; Blantyre; Master of Elphingstoun; Halyruidhous; Kinlos; Thesaurarius; Secretarius; Collector; Justice Clerk; Privy Seal; Advocate; Tracquair; Bruntiland; Sir James Sandielandis. Holyrood-house, 12th November.

ge 715.

Complaint by Mr. Johne Ogilvy of that Ilk, that he is charged at the instance of Thomas Moir, portioner of Berragie, Johne Moir, his son there, Peter Pettinbrog, Andro Pettinbrog there, Williame Myllar there, Alexander Hendersoun there, and Michaell Hendersoun, his son, to find caution in 3000 merks for their indemnity, under pain of rebellion. The said charge has been raised against him from "meir malice," the defenders having no just cause; but, even if they had, the said pain is far above the sum prescribed by Act of Parliament for a person of complainer's rank. Nevertheless, for obedience, he has found the caution required.—The pursuer appearing by Mr. Johne Paip, his procurator, but none of the defenders appearing, the Lords suspend the said letters and modify the caution to 1000 merks. Suspension of letters of horning against Ogilvy of Pourie.

ge 716.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, and of Sir Johne Vaus of Longcastell, for his interest, as follows:—Although Sir Johne Gordoun of Lochinvar, for himself and his men, had upon 1st June last granted an assurance to Vaus and his friends till 1st January next, under pain of infamy and 10,000 merks (*ante*, p. 214), yet, in July last, Sir Robert Gordoun, his son, and Johne Gordoun of Pennynghame, Alexander Gordoun of Hillis, Williame Gordoun, his brother, Robert Gordoun of Balverny, Williame Gordoun, his brother, Williame Aguew, brother of the Sheriff of Wigtoun, Robert Huntar and Williame Absolvitor to Gordon of Lochinvar, sued for violation of his assurance to Vaus of Longcastle.

M^cNeillie, all kinsmen and servants of the said Sir Johne, came, armed with unlawful weapons, to the place of Barnbarroch belonging to the said Sir Johne Vaus, and invaded him and his friends for their lives.—The Treasurer and Advocate appearing for the pursuers, and Gordoun of Lochinvar being also present, the King and Council assoilzie the defender simpliciter, on the ground that, in his subscription to the said assurance, he had declared that he subscribed for himself only, and would assure for no other, and, albeit the said subscription was no sufficient obedience to the charge given to him for subscribing the said assurance, yet the other party had received the assurance in that form, and nothing had been done by the defender, or by his causing, to the break of the assurance actually given. Acta 1601 Page 717.

Decree against Gordon of Lochinvar and his surety for having contravened an act of caution.

Action by the Treasurer and Advocate, as follows:—Upon 7th April 1597, Sir Johne Gordoun of Lochinvar, as principal, and Patrik M^cKie of Larg and Alexander Gordoun of Barskeoch, as sureties for him, had became bound that the said Sir Johne and his men should keep the peace, under pain of £10,000. Yet, upon day of last, Sir Robert Gordoun of Glen, eldest son of the said Sir Johne, for whom, as he still unforisfamiliated, his said father ought to answer, and also Johne Gordoun of Pennynghame, and Alexander Gordoun of Auchlene, and Williame and Robert Gordonis (brothers of the said Johne Gordoun of Auchlene), with Glendoning, younger of Drumrasch, all of them Sir Johne's men, "maist cruellie and unmercifullie schot, murtherit and slew" George Stewart of Dunduff in the high way between the town of Wigtoun and the Clarie.—The pursuers and the said Sir Johne and Alexander Gordoun of Barskeoch appearing, but the said malefactors not having been entered by the said principal and his said cautioner, as charged, the King and Council decern Sir Johne and his said cautioner to have incurred the said penalty, and ordain letters to be directed for payment of the same. Page 718

Suspension of horning against John Stoddart, minister at Campsie, and modification of the penalty in letters of lawburrows.

Complaint by Johne Stodhird, minister at Campsie, as follows:—Archibald Lennox and Duncane Lennox in Parkstoun, alleging that he troubles them in their roums and maillings, have obtained letters of lawburrows charging him to find caution in £500 for their indemnity, under pain of rebellion. Now, the said letters have been raised only to bring complainer under the danger of horning, he "being ane agit man of thrie scoir and tuelf yeiris," and not of "puissance and powar" to trouble the said persons. Further, they have not, and will not, give their oaths that they dread bodily harm from him; and, besides, the said penalty is above his means, he having no lands, but only his yearly stipend of £40, and goods not worth 20 merks.—The pursuer appearing by Alexander Semple, his procurator, but neither of the defenders appearing, the order is to suspend the said letters, and to modify the said pain to 300 merks. Pag 719 Page 720

Commission anent the accounts of Robert Joussie and Thomas Foulis

The King and Council appoint Walter, Prior of Blantyre, Mr. David Lindsay, Bishop of Ros, Mr. Johne Prestoun of Fentounbarnis, collector, Mr. Johne Skene, Clerk of Register, Sir Patrik Murray of Gaynes, and

cta 1601-2 Mr. George Young, archdeacon of Sanctandrois, or any four or three of them conjunctly, to meet in the afternoon to-morrow, and to call before them Robert Jowsy and Thomas Foullis, "and to move thame to agrie upoun the forme of ane submissioun anent the present estait of thair comptis, and to considder of the forme of the submissionis maid be thame *hinc inde*." In case Jowsy and Foullis do not agree as to the "forme of thair awne submissionis," the said commissioners are to set down a submission between them; and they are to report to the King and Council upon 17th instant.

Sederunt—Cancellarius; Fyvie; Uchiltrie; Master of Elphingstoun; Master of Paislay; Thesaurarius; Secretarius; Kinlos; Haliruidhous; Ros; Collector; Comptroller; Advocatus; Tracquair; Sir Patrik Murray; Sir James Sandielandis. Holyrood-house, 17th November.

Complaint by Patrik Seytoun of Lathrisk that, after the decease of his father, Williame and Henry, his brothers, intruded themselves in the place of Lathrisk, belonging to the complainer as son and heir of his said father, and that they still hold the same from him.—Charge had been given to the said Williame to deliver the said place to the complainer; and now, the pursuer appearing by Robert Arnot, his procurator, but the ge 721. defender not appearing, there is renewed order to charge him to render the said place to the pursuer, within six hours after the charge, under pain of rebellion. Patrick Seton against William Seton for violent possession. Decree for pursuer.

Commission to Johne, Earl of Montrois, chancellor, Mr. Thomas Hamiltoun of Drumcairne, King's advocate, Mr. Johne Prestoun of Fentounbarnis, collector, Sir David Murray of Gosperty, comptroller, Sir Williame Stewart of Tracquair, and Sir Patrik Murray of Ganyis, to call before them the bailies of Edinburgh and the "strangearis" that have been imported for the manufacture of cloth (*ante*, p. 274), and to confer with them as to bringing that work to "full perfectioun" according to the Acts made to that effect, and to settle the differences between the said parties so that no occasion of complaint on either side may rise again. Commission for effecting an agreement between the strangers imported for making cloth and the bailies of Edinburgh.

Commission to Johne, Earl of Montrois, chancellor, Alexander, Lord of Fyvie, president of the college of justice, Sir George Home of Spot, treasurer, Walter, Prior of Blantyre, Mr. David Lindsay, bishop of Ros, Sir James Elphingstoun of Barnetoun, Mr. Johne Prestoun of Fentounbarnis, collector, Mr. Johne Skene, clerk of register, Sir Patrik Murray of Ganyis, and Mr. George Young, archdeacon of Sanct Androis, or any of them, to call before them Thomas Foullis, and to make a valuation of his Majesty's jewels sold by the said Foullis in England, in order that his Highness may know what he owes to Foullis. Commission anent the accounts between the King and Thomas Foulis.

Complaint by Sir Johnne Murray of Tullibairdin, Williame Murray, apparent of Tullibairdin, Alexander and Arthour Fultonis in Tullibairdin, Johne Bill, Robert Bill, his son, there, George Hale there, Johne Fultoun in Middlelyne, Johne Gentleman there, ge 722. Gairdner there, Johne Reburne, maltman, there, Dewane Hall there, Suspension of letters of horning against Sir John Murray of Tullibardin and others.

Thomas Boncle there, Johne Bell, officer, there, Bell, his son, Acta 1601-
and David Littlejohn there, as follows:—They have lately been charged, by letters raised at the instance of Robert Grhame of Panhollis, and Elizabeth Drumond, his mother, to find caution for their indemnity, under pain of rebellion,—Sir Johne in 3000 merks, Williame, his apparent heir, in 2000 merks, and each of the rest in 500 merks. Now, the said letters were raised four or five years ago, and, "be the custome and forme observit in the lyk caissis, thay sould have been execute within yeir and day." Farther, the sums abovewritten are far above those prescribed by the Act of Parliament, according to which the most that could be laid on the Lairds of Tullibairdin would be 1000 merks, and on the others 100 merks. Still, the complainers have found caution conform to the said charge; and therefore they plead that the said letters should be suspended simpliciter.—Williame Murray, apparent of Tullibairdin, appearing for the pursuers, but the defenders failing to appear, the Lords do suspend the said letters, and farther modify the sums already Page 723.
found by all the said cautioners (the Lairds of Tullibairdin excepted) to 100 merks each.

Holyrood-house, 19th November.

Sederunt—Cancellarius; Uchiltrie; Newbottle; Master of Elphingstoun; Thesaurarius; Secretarius; Dunkeld; Kinlos; Haliruidhous; Comptroller; Collector; Justice Clerk; Privy Seal; Advocate; Clericus Registri; Tracquair; Sir Patrik Murray; Sir James Sandielandis.[1]

Decree against Ker of Ferniehirst for having violated an act of caution.

Action at the instance of Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun, King's advocate, as follows:—Upon 21st September last, Thomas Ker of Caveris became surety for Sir Androw Ker of Phairnyhirst, that he would present Mark and Androw Turnbullis, called of Bewlie, Eckie Turnbull of the Firth, Eckie Turnbull, called in the Stanylege, and James Turnbull, servitor to the Laird of Mynto, within the tolbooth of Edinburgh by 28th September, to answer to such "crymes as thay wer suspect gilty of," under pain of £2000. Yet, the said Sir Androw has not, before the said day or since, entered the said Eckie Turnebull of Stanyleg in ward. Therefore, he has incurred the said penalty.—The pursuers appearing, but neither the said Sir Androw Ker Page 724.
nor the said Thomas, the Lords declare the said act to have been violated, and therefore decern the said Sir Androw and his said cautioner to have incurred the said penalty, and ordain letters to be directed for payment thereof.

Fairlie of Braid against John Burnet, for restoration of three stolen oxen.

Complaint by Alexander Fairlie of Braid, as follows:—Upon 3rd October last, three oxen of his, pasturing upon the lands of Cauldcott belonging to Johne Hamiltoun of Cauldcott, had been stolen at night by certain vagabonds, and, the shout having been raised, the said Johne had

[1] In the Book of Sederunts under this date (Fol. 31, b) "Ros" appears among the Councillors.

cta 1601–2. followed the thieves till they had been forced to leave said goods behind them. Having found them in the hands of Williame Scott in Hunisliehoip and Johne Burnett in the Clak, he had desired the said persons to deliver them to him; but they had refused to do so, and will not show from whom they got them.—The pursuer and Burnet appearing, and the latter having confessed to having the said oxen in his possession and
age 725. promised to deliver them to the pursuer, there is order accordingly.

The 7th January next is of new assigned to Francis, Earl of Errol, as the day for his entry of George Hay of Muchallis, so that order may be taken anent the liberty of the said George (*ante*, p. 297). The Earl, appearing by Williame Hay, his procurator, is warned hereof. Anent the entry of Hay of Muchals by the Earl of Errol.

Sederunt—Cancellarius; Uchiltrie; Master of Elphingstoun; Thesaurarius; Secretarius; Dunkeld; Ros; Advocatus; Clericus Registri; Sir James Sandielandis. Holyrood-house, 24th November.

Thomas Dowgall, maltman in Leith, for failing to appear this day as summoned, to answer to such things as should have been laid to his charge, is to be denounced rebel. To denounce Thomas Dougall.

The King and Council dispense, till 1st March next, with the act whereby Sir Johne Murray of Tullibairdin became cautioner for Patrik, Lord Glamis, that he should depart abroad at a certain day named in the Act, providing that by the day foresaid the said Lord shall give an assurance to David, Earl of Craufurd, and "be resolvit" either to satisfy his Majesty anent the submitting of the feud between him and the said Earl, or else then go abroad, under pain of 10,000 merks. Act anent Lord Glammis.

Alexander, Lord of Spynie, having often promised to his Highness to enter Mr. David Rutherfurd of , so that order might be taken with the said Mr. David for the hornings under which he at present lies, and
'age 726. having failed to perform his promise, is to be charged peremptorily, under pain of rebellion, to present the said Mr. David before his Majesty, upon day of . Charge to the Lord of Spynie to enter Mr. David Rutherford

The King and Council, understanding that the "plague of the pestilence is laitlie brocht within this realme, quhairwith sindrie pairtis of the west cuntrey, as namlie the parochynis of Eglishame, Eistwod and Pollok, and the toun of Craill in Fyfe, ar infectit," ordain charge to be given to all inhabitants of the towns and parishes where there is "ony infectioun of the pest" not to repair furth thereof, "under the paine of deid," without a certificate subscribed by the minister and elders of their parishes, or the provost and bailies of their towns, declaring "quhairfra thay come last, and that thay ar clene of all suspitioun of the plague." There is to be command also to all "cadgearis" commonly repairing from the west country to the burgh of Edinburgh not to resort hereafter to the said burgh without a certificate for presentation to the magistrates, declaring them to be "unsuspect" and to have "repairit fra unsuspect pairtis"; and Act for stopping the progress of the plague, which is spreading in divers places.

the said magistrates are hereby charged not to suffer any such Acta 1601-2
"cadgearis" to enter the said burgh without such certificates.

Edinburgh, 26th November.

Sederunt—Chancellor; Uchiltrie; Master of Elphingstoun; Dunkeld; Ros; Treasurer; Secretary; Kinlos; Haliruidhous; Collector; Justice Clerk; Advocate; Privy Seal; Clerk of Register.

Charge to certain inhabitants of Dumfries to answer for their Popish proclivities.

Although "the saying and heiring of Messe and prophaning of the Sacramentis, the resset and suppleing of Jesuittis, seminarie preistis, excommunicat and trafficquing papistis," are forbidden by divers Acts of Parliament and Secret Council, yet, as his Majesty is informed, Williame, Lord Hereis, Johne, Master of Herreis, Walter Hereis of Knokschynnach, Eduard Maxwell of the Hillis, Johne Hereis in Braco, Robert Hereis in Kililour, Adame Corsane, Johne Corsan, Robert Carran, Eduard Hornar, Mathow Forsyth, Johne Gibsoun, Robert Ka, Patrik Ka, Mr. Johne Maxuell, Cuthbert Broun, Thomas M^cBurne, Johne Bryce, younger, Robert Cairtour, Adame Walker, Johne Mundell, Robert Bak, Johne Bryce, Johne M^cGhie, Cuthbert Cunynghame, bailie, Robert Cunynghame, burgesses, of Dumfreis, and ·, tailor to the said Lord, have, at sundry times since the making of the said Acts, not only resetted Jesuits, etc., and in particular Mr. Johne Hamiltoun, and Mr. Williame Broun, sometime Commendator of Newabay, but also been with them at Mass. There is Page 727.
order therefore to charge the said persons to answer in this matter before the King and Council upon 17th December next, under pain of rebellion. —There is another charge, in the same connexion, to David Barclay of Ladyland to answer, under the same pain, for resetting "ane Italian preist."

Diet for settling the disputes between the burghs of Dundee and Perth.

The 31st December next is assigned to the provosts and bailies of the burghs of Perth and Dundie for their appearance before the King and Council, by themselves or their commissioners, to submit all quarrels standing between the said towns to "newtrall and indifferent freindis" to be nominated by them on the said day (*ante*, p. 253). All actions raised or to be raised by them *hinc inde* before the Lords of Secret Council or Session are continued to the said day; and there is order to the provost and bailies of Dundie to forbear meanwhile all troubling of any of the inhabitants of Perth in transporting their ships and goods up the water of Tay, but without prejudice hereby to any of the liberties of Dundie within the said water. Sir David Murray of Gospertie, comptroller, provost of Perth, Olypher Young and Androw Arnot, bailies thereof, and Sir James Skrymgeour of Dudhop, provost of Dundie, and Robert Flescheour and Patrik Lyoun, bailies of the same, being present, are warned of this continuation.

Charge to Ogilvy of Finlater to render the Castle of Auchterhouse, belonging in

"Forsameikle as, albeit the waird of the leving and erldome of Buchane now pertenis to Charles, Duke of Albany, his Majesteis darest sone [*ante*, p. 187, footnote], be vertew of his Hienes gift maid to him thairupoun, and that thairthrow he hes guid rycht to the castell, tour and fortalice of

Acta 1601-2. Auchterhous during the tyme of the said waird, nevertheles the keiparis of the said hous on nawyse will rander nor delyver the same to the said Lord Duke, and to his Majestie, as administratour, gydar and governour to him, without thay be compellit. Thairfoir, ordanis letters to be direct chargeing Sir Walter Ogilvy of Findlettir, knycht, Dame Ogilvy, relict of umquhill , Erle of Buchane, and all utheris havearis, keiparis and detenaris of the said place and fortalice of Auchterhous, to rander and delyver the same to the officer executour of the saidis letters, and to remove thameselffis and thair servandis furth thairof, within sax houris nixt efter the chairge, under the paine of tressoun." ward to Prince Charles, Duke of Albany.

Page 728. Order to charge the said Sir Walter, under pain of rebellion, to present before his Majesty and Council Mistress Douglas, sister of the late Earl of Buchane, upon 5th January next, "for sic caussis as he salbe acquentit with at the exhibitioun of hir." Another charge to the same.

Sederunt—Chancellor; Uchiltrie; Fyvie; Master of Elphingstoun; Spott, treasurer; Comptroller. Edinburgh, 28th Novem.

Johne Campbell, *alias* M°Carich, officer and chamberlain to the Laird of Glenorquhy, Johne Dow Campbell, his brother-son, and Duncane Dow M°Ilvariche, all now entered by the said Laird for trial for the "burning allegit committit be thame upoun the Barroun of Carquhyn," and also any other person to be hereafter entered for the said crime, are hereby declared not be chargeable for any other cause than the said burning for the space of six days after the conclusion of their trial. Act anent certain persons to be tried for fire-raising.

As, notwithstanding sundry Acts of Parliament prohibiting the "slaying of smoltis, reid fisch, and uther salmond fisches in fresh watteris or rivaris, with wandis, blaisses or utherwyse in the forbiddin tyme contenit in the saidis Actis," many persons in the shire of Kinros "daylie persistis and continewis" in the slaying of smolts and red fish "be blases," there is to be proclamation at the market cross of Kinros discharging such conduct, under the pains of the said Acts. Act against slaying red fish in the forbidden time.

As the "infectioun of the plague" has entered "some pairtis of the barony of Calderwode," and other lands belonging to Sir James Maxuell of Calderwod, the said Laird is ordained to prescribe rules within his own bounds for "keiping of the clene personis fra thame quha ar infectit or under suspicioun," with power to him to burn all such houses as are or Page 729. shall be infected, without incurring any pain for so doing. Edinburgh, 30th Novem. The plague in the barony of Calderwood.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Mar; Fyvie; Uchiltrie; Newbottle; Lowdoun; Master of Elphingstoun; Treasurer; Secretary; Ros; Kinlos; Haliruidhous; Comptroller; Collector; Advocate; Clerk of Register; Sir Robert Melvill; Sir James Sandylandis. Holyrood-house, 1st December.

Renunciation by the Master of Elphinston and his son of their right to the cunyie-house.

Alexander Elphingstoun, eldest son of Alexander, Master of Elphingstoun, and the said Master for his interest, appear and renounce to his Majesty all right which they or either of them had or may have to the cunyie-house by virtue of the Act of Secret Council dated at Dumfermling 22nd September last (*ante*, p. 287). Acta 1601-2.

Contract setting the cunyie in tack for one year to certain persons for a certain sum payable to his Majesty.

Registration of the following contract, dated at Haliruidhous 1st December 1601, made between his Majesty, with advice and consent of Sir George Home of Spot, treasurer, and of the Lords of Privy Council, as also with consent of James Foullis, elder of Colintoun, and of James Foullis, younger of Colintoun, his son, on the one part, and Sir David Murray of Gospertie, comptroller, Sir Patrik Murray of Ganyis, Johne Arnot, portioner of Restalrig, Robert Arnot of Newtoun, Johne Robertsoun, merchant, James Nisbit, merchant, George Foullis, goldsmith, George Hereot, younger, goldsmith, Thomas Achiesoun, master cunyeor, and Johne Nasmyth, chirurgeon, burgesses of Edinburgh, upon the other part:—The King and Estates, convened at Perth upon 11th September last, considering the great scarcity of money, partly occasioned by the "carying away in the lait yeiris of derth of grit quantitie of the same for bringing hame of victuell," and partly proceeding from the "meane and law pryce that the same gevis," ordained all the gold and silver coins then in circulation to be called in, to be restruck into new pieces of certain fineness, weight and prices, as at more length is contained in the said Act (*ante*, p. 285). Now, his Majesty, "haveing experience of the approvin faithfulnes and provident vertew and behaviour of the foirnamit personis," has made choice of them "as maist able and willing to mak the foirsaid cunyie and the cunyiehous to gang for the weill of the cuntrey and proffite of his Majestie." He therefore, with advice and consent as above, sets in tack to the said persons, their partners and assignees, the cunyie foresaid and all profit thereof for the space of one year immediately following the present date, viz., 1st December, which shall be the day of their entry,—within which space the said tacksmen shall have power to buy, at whatever price they please, all gold, silver and alloyed money, as well foreign as inland, coined or uncoined, and to coin the same into the said pieces specified in said Act. No gold, silver or cunyie may be made by any other person within the King's dominions during the space foresaid but only by the said tacksmen. "For the furtherance of the work of the said new money," all the lieges are to be charged to bring to the cunyiehouse all sorts of gold, silver and alloyed money upon the prices following by 1st January next: viz., 55s. per ounce of silver of 11 denier fine, and £33 per ounce of gold of 22 carat fine, and proportionally for every sort of money, as well foreign as the King's "awne cunyie presentlie currand," according to the fineness thereof. All gold, silver and alloyed money not brought to the cunyiehouse by the said day shall not be allowed to have currency thereafter, but, wherever found after 1st January next, shall be escheated by the said tacksmen,—one third thereof going to his Majesty, another third to the tacksmen, and the last third to the apprehender for his pains,—besides the unlaw of Page 730. Page 731.

Acta 1601–2. Page 732. £100 to be uplifted from every person contravening this ordinance. The said escheat and unlaw shall also strike against any person presuming to "buy, brek doun, fyne or melt" any of the said gold, silver and alloyed money, without the licence of the said tacksmen. The Lords of Council and Session are required to proceed and decern in all matters or questions concerning this present contract, tending to the furtherance of the said work against the transgressors of any of the clauses thereof. Power is given to the tacksmen to remove the cunyiehouse to any place of this realm they please for the better furtherance of the work. It is provided, with advice of Thomas Achiesoun, presently master cunyeor, that the cunyiehouse, with the whole "worklumes" belonging to his Majesty, shall be delivered to the said tacksmen, with power to them to appoint any master cunyeour they please, without prejudice to Achiesoun after the expiry of this tack. The officers of the cunyiehouse are commanded "to attend upoun thair officeis," each of them in his own place, for which they shall have their "ordinarie wages at thair Majesteis chairgeis, as alsua thair extraordinar wages payit monethlie be the saidis taxmen, during the tyme of the werk, quhilkis salbe allowit to the saidis takismen in his Hienes dewtie at the end of thair tak in cais it sall then be found that thay ar na gayneris in the same work." The wardens of the cunyiehouse are required to keep register of the "remedeis of wecht and fynnes of the money, als weill of gould as silver, passand the irnes every jornay, bot not of the quantitie of the money, be ressone the saidis takismen ar not subject be this present contract to buy and tak in the gould and silver at ony certane pryce, nor to mak compt of thair bying, bot to pay to his Majestie the dewitie of the tak foirsaid only." The warden, counter warden, sinker and assayer shall be answerable, each of them for his own office, and the tacksmen shall not be challenged for them; yet, they may, at their own expenses, appoint persons for controlling the wardens and assayers, so that neither his Majesty, the tacksmen, nor subjects be prejudged.

Page 733. Not only the extraordinary wages foresaid of the officers of the cunyiehouse, but the "present cunyiehous maill," shall be allowed to the tacksmen at the "ish" of this tack, incase they sustain loss by the work. The tacksmen may receive as partners with them in this contract all such "honnest personis as sall seame guid to thame." It shall not be lawful to make reversions, contracts, obligations, decreets or sentences in any kind of money other than the new coins of gold and silver specified in the said Act, under pain of 100 merks *toties quotics*, with the escheat of the sums. The whole bullion due to his Highness is assigned to the said tacksmen, with power to them to charge for delivery to them of the bullion appointed by law to be brought to the cunyiehouse by the merchants. For which tack the tacksmen bind and oblige themselves to his Majesty thus:—Owing to him a total sum of £45,899, 9s. 6d. Scots, they have paid to him already in advance £14,899, 9s. 6d., of which sum the King and his Treasurer exoner and discharge them. They shall pay the sum of £26,000 to him as follows: viz., £6500

upon 1st March 1602, £6500 upon 1st June thereafter, £6500 upon 1st September following, and £6500 upon 1st December 1602. "Forder, the saidis takismen bindis and obleissis thame faithfullie and thair successouris to releif his Majestie of the dewtie of fyve thowsand pundis for the yeir to cum of this present tak foirsaid addebtit to the priour taxmen of the said cunyiehous," becoming bound, to that effect, to pay the said sum of £5000 to the said James Foullis, elder, and James Foulis, younger, in their names, monthly *pro rata* during the present tack; "and lykwyse ar content and consentis that thay sal have intromissioun with sa mekle of the proffite monethlie as is correspondant" to the said duty of £5000, provided that this tack shall not be prejudicial to the said former tacksmen for any years of their tack yet to run after the "ish" of the present tack. Finally, if, by war, foreign or intestine, plague or other extraordinary occasion, the cunyiehouse shall, during the time of this contract, be altogether stayed or greatly hindered "in the exchange, course and proffite thairof," it is provided that, after trial, to be "summarlie tane" before the Privy Council or the Council and Session, not only shall payment of the duties foresaid, then unuplifted, be superseded, but likewise the present tack shall be prorogated till such time as the tacksmen abovenamed shall be fully satisfied for the loss sustained through the interruption foresaid, according to the estimation to be made by the judges foresaid. Mr. Thomas Hammiltoun of Drumcairne, King's advocate, is nominated procurator for the registration of the contract; which is written by Adame Lawtie, writer, in his writing booth in Edinburgh, and subscribed by the said parties. Acta 1601-2. Page 734. Page 735.

Case of the Highlanders entered by Campbell of Glenorchy and accused of fire-raising.

Sir Duncane Campbell of Glenurquhy having entered Johne Campbell *alias* M°Larich (M°Carlich), Johne Dow Campbell, and Duncane Dow M°Ilvarich, as required (*ante*, p. 313), and the said persons having been examined and sworn regarding the fire-raising committed upon the lands of the Baron of Carquhyn, farther proceedings against them are continued till 2nd March next, and they are allowed to pass home,—the said Sir Duncane becoming bound in 5000 merks to enter them, as also Patrik Dow M°Nab (whose entry was excused at this time by reason of his sickness), and Finla Dow M°Ilstakir, upon the said day, to underlie trial for the said crime.—James Campbell, fiar of Laweris, also appearing, becomes bound in 5000 merks to enter Gib M°Nab, son of the said Patrik, upon the said day, to answer for the same.

Lord Herries warded for not entering James Murray, his man.

Williame, Lord Hereis, appearing before the King and Council, as charged, but not entering James Murray of Arnealmerie, his man, captain of his castle of Hoddum, to answer touching the slaughter of Sir Johne Carmichael of that Ilk, warden of the West March, according to the promise made by the said Lord to his Majesty (*ante*, p. 301), the order is to denounce Lord Hereis, and to commit him to ward in the castle of Edinburgh. Page 736.

Holyrood-house, 3rd December.

Sederunt—Chancellor; Angus; Mar; Linlithgow; Uchiltrie; Newbottle; Lowdoun; Master of Elphingstoun; Dunkeld; Ros;

Acta 1601-2.

Kinlos; Haliruidhous; Treasurer; Secretary; Comptroller; Collector; Privy Seal; Justice Clerk; Advocate; Sir James Sandielandis; Elimosinar.

Regulation that letters requiring the King's subscription shall be presented only by the Officers of State or their deputes.

The King and Council considering the "grit abuse and disordour quhilk hes bene usit in tyme bigane in presenting of letteris and signatures, to be subscryvit be his Majestie, be a nowmer of undiscreit and inoportune personis, quha, without respect to tyme and place and utheris circumstances, maist untymouslie and undiscreitlie inoportunit his Majestie and tuik upoun thame the presenting of all kynd of letteris to his Majestie, nawayis acquenting his Hienes with the effect and tennour of the letters presentit be thame and in quhais favour the same is consavit, sua that very oft his Majesteis subscriptioun hes bene procurit to sindrie letteris quhilkis, of knawlege, his Hienes wald never have past, and nane ar able to be challengit thairfoir be ressoun of the uncertaintie of the presentaris": for remedy it is ordained that hereafter all writs requiring his Majesty's subscription shall be presented by the chancellor, treasurer, secretary, comptroller, collector, advocate, clerk of register, justice clerk, and master of requests, or their deputes, only, and that every letter to be presented by any of the said officers shall, before delivery of the same to the party, be noted on the back by the presenter, who shall be answerable to his Majesty that the same is lawfully passed. The masters of the King's household are to make special intimation of this to all the gentlemen and servants of the King's house, discharging them from offering any writs to be subscribed by his Highness, under pain of incurring the King's displeasure and having their suits refused.

To denounce John Middlemass for not answering to a charge of assault with fire-arms.

Page 737.

Complaint by Sir George Home of Spot, treasurer, and Gawin Furd of Stanierig, that, notwithstanding the acts against using fire-arms, Johne Middlemest in Schairprig in Tiviotdaill, with others, came upon 14th May 1599 and "unbeset" the said Gawin while "gangand out the hie way" upon the lands of Clettinscleuch, and with a pistolet shot him "in at the thie throw his ball cod and oute at his bak," to the great peril of his life. —The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

New assurance ordered between the Maxwells and the Laird of Johnstone.

The assurance between Sir Robert Maxuell of Spottis, Eduard Maxuell, apparent of Tinwall, Williame Maxuell, apparent of Tinwall, Harbert, Eduard and Johne Maxuellis, all sons of the said Laird of Tinwall, Johne Maxuell of Kirkconnell, Johne Maxuell of Conhaith, Eduard Maxuell of the Hillis, Harbert Maxuell of Cavence, George Maxuell of Drumcolterane, Alexander Maxuell of Balgreddane, Archibald Maxuell of Cowhill, James Maxuell of Portrak, Eduard Maxuell, his brother, Homer Maxuell of Carnesallauch, Harbert Maxwell of Kirkmaho, Johne Maxuell of Keltoun, Eduard Maxuell of the Ile, Robert Maxuell of Dinwiddie, Maxuell of Killiling, and Maxwell of Lamyngtoun, on the one part, and Sir James Johnestoun of Dunskillie, on the other part, having now expired, but the variance between them still remaining, both parties are to be

charged to subscribe and deliver to one another such form of assurance as shall be presented to them, marked by the Clerk of Council, to endure till 1st January 1603, within six hours after the charge, under pain of rebellion. Acta 1601-2.

Charge to the Abbot of Inchaffray to enter certain of his men.

Charge to be given to James, Commendator of Incheffray, as master and landlord of Patrik Drumond of Deleneche, Johne Drumond of Cowgask, Johne Drumond of Fairing, and James Drumond of Auchterardour, to enter these persons upon instant to underlie such order as shall be given to them for keeping the King's peace. Page 738.

Edinburgh, 3rd December. Charge to Hamilton of Bathgate and Hamilton of Inchmachan to answer for assault.

Order to charge Hammiltoun, younger of Bathcat, and Robert Hammiltoun of Inchemachane, to appear upon 10th instant, under pain of rebellion, to answer before the Council touching their "invasioun" with drawn swords of Alexander Bruce, servitor to the Laird of Kers, on the high street of Edinburgh, beside the house of the college of justice, upon 5th instant, while the Lords of Session were in session there in the administration of justice, and when his Majesty had "bot then immediatlie removit fra his palace of Haliruidhous."

Captain Heron against the Menteiths of Kerse, elder and younger, for a long course of oppression, specifying one act in particular.

Complaint by Cristeane Reid, Lady Randiefurd, and Captain Patrik Hering, now her spouse, for his interest, as follows:—In the possession of the lands of Kauerka and Randefurd, belonging to the said Lady in conjunct fee and liferent, pursuers have been "maist havelie" oppressed these divers years bygone by Sir Williame Menteith of Kers, and Williame Menteith, apparent of Kers, as is evident by previous complaints (*ante*, vol. v. pp. 218, 276). And now, lately, the said Lairds, under colour of a tack to the teinds of their lands of Kaverka, have not only refused to lead away the said teinds, "to the effect that thay mycht have thairefter mellit with thair stok,—compelling thame thairby to use the ordinar remeid appointit be the Act of Parliament in sic caissis,—bot at last, quhen the saidis complenaris had followit out the haill ordour of the said Act of Parliament, and thrie severall Sondayis being expyrit," they, upon 23rd October last, "yokit thair servandis and cairtis" to the leading of their said corns,—to the which teinds the Laird of Kers has no right. And, while the complainers' servants were melling with the said corns, the said Williame, apparent, Johne, his brother, Richard Bigholme, James Menteith, son natural of Captain Menteith, with others, to the number of 30, all armed, came to the said servants, by the hounding of Sir Williame, and with batons and rungs struck and wounded them, especially James Tracquair, whom they "fellit and left lyand for deid," chasing the rest of their servants into their houses. They also barbarously struck complainers' horses, cut in pieces their drawing sleds, "trampit and kaist in stankis" much of their corns, and led away a great quantity thereof to the barnyard of Kers.—Captain Hering and the defenders appearing, and the Laird of Kers, younger, Johne, his brother, and Bigholme having confessed that they passed to the said servants as above, and that the said Johne gave one of the servants three strokes with a baton, but the said Laird of Kers, elder, having declared by his great oath that the said defenders were not Page 739.

Acta 1601-2. Page 740.

instigated by him, the Lords decern the said Williame, and Johne, his brother, to be charged by Alexander Douglas, macer of Council, to enter in ward in the castle of Downe in Menteith within 48 hours after the charge, under pain of rebellion, but assoilzie the said Sir Williame.

Sederunt—Chancellor; Fyvie; Newbottle; Uchiltrie; Ros; Dunkeld; Haliruidhous; Treasurer; Secretary; Comptroller; Collector; Advocate; Sir Patrik Murray; Elimosinar. Holyrood-house, 8th December.

To denounce John Balfour for not answering to a charge of assault and molestation.

Complaint by James Melvill, portioner of Ardet, and Andro Melvill, his son, as follows;—Upon 2nd November last, while the former was in his own house, and the latter was tilling with the plough part of the lands of Ardet, James Balfour, fiar of Pitculloch, with others, armed with weapons, came to the said house and menaced the said James, avowing to "tramp him under his hors,"—which he would have done if the said James had not "eschewit his furie." He then came to the said Andro,—who had "lousit the pleuch, being weirit in his persoun"—struck him upon the face with his horse-wand till it broke in pieces, "and preissit to overryd him with his hors"; after which he alighted from his horse, drew out his sword, struck the said Andro therewith violently, reft from him the "stalf and gad" which he had in his hand, and gave him with the same "mony bauch and bla straikis" on his head and shoulders, avowing death to him and his father if either tilled the said lands again. On this account, they dare not, without protection, labour the said lands, of which they are his Majesty's tenants.—The pursuer appearing [*which* not stated], the defender, for not appearing, is to be denounced rebel.

Page 741.

Suspension of letters of horning obtained against Robert Graham of Panholes and others by Sir John Murray of Tullibardine.

Complaint by Robert Grhame of Panholls, Elizabeth Drummond, his mother, Patrik Drummond, her son, there, Donald Adie, younger, there, Donald Adie, elder, there, Johne Guild at the Mill of Panhollis, Williame Burdoun, servitor to the said Elizabeth, Walter Scheoch, Andro Gallnay of Rahallat, Nicoll Towart in Blakfurd, Johne Haldin in Corsbrek, Johne Adie in the Rynd, and Johne Andersoun there, as follows:—Sir Johne Murray of Tullibairdin, alleging that the pursuers trouble him in his lands, and cast "fewall, faill, and dovat thairupoun," has obtained letters charging them to find caution, under pain of rebellion, for his indemnity,—Robert Grhame in £1000, Elizabeth Drummond in 1000 merks, and each of the rest in 300 merks. Now, the said Sir Johne will not give his solemn oath that he dreads molestation from the complainers; and, besides, the said sums are far above those prescribed by the Act of Parliament,—the said Robert being only a bairn of nine years old "presentlie at the scuillis," and the said Elizabeth being but a "meane gentlewoman" not worth in all the said sum, and the other complainers also under the rank and estate proper to the sums they are charged with. Nevertheless, complainers, for obedience, have found caution as charged, and so pray for the suspension of the said letters.—The pursuers appearing by Joseph Millar, their procurator, but the defender not appearing, the Lords do suspend the said letters, and modify the sums for

Page 742.

Patrik Drummond and his colleagues to 100 merks [saying nothing about the sums for the said Robert Grahame and his mother]. Acta 1601-

Holyrood-house, 10th December.

Sederunt—PRESENTE REGE—Chancellor; Fyvie; Newbottle; Ros; Kinlos; Treasurer; Comptroller; Collector; Advocate; Privy Seal; Justice Clerk; Clerk of Register; Sir Patrik Murray; Elimosinar.

To denounce James Somerville and John Jarden for not answering to a charge of spuilyie and violent possession.

Complaint by Elspeth Hammiltoun, relict of William Sommervell of Spittell, and James Douglas, son and apparent heir of Douglas of Wellis, now her spouse, for his interest, as follows:—James, brother of the said Williame, and Johne Jerdane, brother of the Laird of Aplegirth, with other Borderers, came at night, upon of last, to the place of Spittell, belonging to the said Elspeth in , surprised the same, removed the complainers' servants furth thereof, and intromitted with the whole goods found in the said house. They still hold the house, and uplift the rents of the place, and sustain themselves thereupon.—The pursuers appearing by Douglas of Wellis, the defenders, for not appearing, are to be denounced rebels. Page 743.

James Brigton against Archibald Dalzell for acts of violence and oppression.

Complaint by James Brigtoun in Sauchtounhall, as follows:—Archibald Dalzell, son of Robert Dalzell of that Ilk, has invaded complainer divers times between the burgh of Edinburgh and Sauchtounhall, assaulting him with his sword, whinger and pistolet, to the effusion of his blood. More particularly, in August last, the said Archibald came, with Alexander Dalzell in Edinburgh and others, to the complainer's house in Sauchtounhall, where his wife was "travelland of hir childbirth," and, violently entering the same, took her (? him) by the throat, and with their sword belts and hingers thereof scourged complainer from his own house to the mill of Sauchtounhall, "and to and fra quhair thay pleisit" for a whole hour, "tormenting the said complenar with maist exquisite torment and scuirgis, sua that nane of his body wes frie of bloudy and bauch straikis and woundis; quhairthrow the said complenar contractit ane deidlie disease and lay bedrell ane lang space, unable to repair to his Majestie to mak his awne complaint quhill now." The said Archibald still avows to have complainer's life, and upon 19th November last passed to the said house and would have slain complainer, were it not that "be the providence of God" complainer was absent.—Both parties appearing, and the defender having confessed that he gave the complainer three or four strokes with his sword belt at the time abovewritten, he is ordered into ward in Edinburgh Castle. Page 744.

To denounce the Master of Ogilvy and others.

James, Master of Ogilvy, Sir Johne Ogilvy of Craig, Sir Thomas Lyoun of Auldbar, Lyoun of Cossins, and James Lyoun of Ogill, failing to appear before the King and Council, as charged, to give their advice touching the "repressing of the rebellioun and disobedience of sa grit a nowmer of personis within the cuntrey of Angus," are to be denounced rebels.

Archibald, Earl of Ergyle, had been charged, as master and landlord of

a 1601-2. Allaster M°Ceane Oig of Glenco, to enter the said Allaster, as also Johne Galt M°Gregour, who is, or at least was, in the custody of the said Earl, before the King and Council this day, to underlie order for making them e 745. answerable to the laws; and now, the said Earl, neither appearing nor having entered the said persons, is to be denounced rebel. To denounce the Earl of Argyle for not entering two of his men.

Charge having been given to Hammiltoun, younger of Bathcat, and Robert Hammiltoun of Inchemauchane, to answer this day for their "invasioun" of Alexander Bruce (*ante*, p. 318); and, both now appearing, e 746. and the said Alexander being also present, and having withdrawn the charge against Hammiltoun of Bathcat, and Hammiltoun of Inchmachane having confessed that he did invade Bruce, the King and Council ordain the last to be committed to ward in Edinburgh Castle, and assoilzie Hammiltoun of Bathcat. Act anent Hamiltons of Inchmachan and Bathgate.

Action by Sir David Murray of Gospertie, comptroller, as follows:— Although, in the Parliament held at Edinburgh upon 15th November 1600, it was ordained that no forbidden goods should be imported or exported by any persons, under pain of loss of all their moveables and forfeiture of the forbidden goods to his Majesty, and although, in the Convention of Estates held in February last, there was a special prohibition against importing any foreign cloth or other wares made of wool (except certain stuffs there specified), yet Johne Smaill, Alexander Lindsay, Androw Creich, Johne Creich, Johne Maisoun, Alexander Bell, Alexander Machane, James Ker, Alexander Ker, his son, Williame Patersoun, Alexander Adamesoun, and Johne Cowter, tailor, all burgesses of Edinburgh, have imported from England certain packs of cloth, stemings, and other wares specially prohibited, and have loosed the same for purposes of sale. The Comptroller, having been advertised thereof, has challenged the said e 747. goods and committed them to sure keeping; and it ought now to be decerned that they belong to his Highness as escheat.—The Comptroller appearing, with Mr. Thomas Hammiltoun, King's advocate, for his Majesty's interest, and the said Alexander Bell, James Ker, Johne Maisoun, Alexander Lindsay, Williame Patersone, Alexander Adamstoun, being also present, and Androw Creich appearing by Dick, his spouse, all these defenders deny ownership of any of the goods in question. On the other hand, the said Johne Couthird, also appearing, confesses to having imported 24 ells of freis among the goods intromitted with by the Comptroller, and to the ownership of the same. Johne Creich, being also present, confesses to having imported a pack of cotton freis and to the ownership of the same; and the mother of Johne Smaill, appearing by him, admits that a part of the cloth intromitted with by the Comptroller belonged to her, but declares that it was sent home by her son without her knowledge or permission, and therefore humbly craves "favorable consideration on hir." The decision of the King and Council is that all the merchandise challenged by the Comptroller shall go to his Majesty as escheat. The Comptroller against certain merchants of Edinburgh for importing forbidden goods: The goods confiscated.

The Lords of Secret Council, having been directed by his Majesty "to tak

Edinburgh, 11th December. Act anent the King's four trumpeters.

ordour with the four ordinar trumpettouris anent the help of thair ordinar allowance," regulate that two of the said four shall always attend upon the King's service, and that these, besides their yearly livery clothes, shall have £20 each monthly, of which the Comptroller shall pay £13, 6s. 8d., and the Treasurer £6, 13s. 4d.; with the provision that, if two be not always in attendance, then they shall be removed from the service. The first payment is to count from 1st instant. Acta 16 Page 74

Edinburgh, 13th December. Charge to the Earl of Cassillis to release those taken by him at the "lait conflict" with Kennedy of Bargany.

At the "lait conflict and combat" between Johne, Earl of Cassillis, and certain of his friends, on the one side, and Gilbert Kennedy of Bargany and his men on the other side, upon 11th instant, the said Earl had taken Mure of Auchindrane, David Kennedy of Maxwelstoun, and certain other servants of the Lairds of Auchindrane and Bargany; and he has them still in his custody. In respect of the "slauchter and bluid" which took place at the said conflict it is "verie suspitious that the saidis personis sould be sufferit to remaine in the powar and handis of the said Erle." There is therefore order to command the Earl to desist from proceeding against them by virtue of his office of bailiary, and to liberate them in the town of Air without any harm to any of them, within 24 hours after the charge, under pain of rebellion.

Edinburgh, 17th Decem.

Sederunt—Cancellarius; Angus; Uchiltrie; Fyvie; Newbottle; Spynie; Roxburgh; Master of Elphingstoun; Dunkeld; Kinlos; Haliruidhous; Thesaurarius; Secretarius; Comptroller; Collector; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Tracquair; Bruntiland; Sir Patrik Murray; Elimosinar.

The Lord of the regality of Broughton against the magistrates of Edinburgh, for imprisoning a person dwelling within his jurisdiction.

Complaint by Sir James Bellenden of Brochtoun, lord of the regality thereof, as follows:—The provost and bailies of Edinburgh, upon 11th instant, caused Patrik Ramsay in Leith, dwelling within the bounds of the said regality, to be warded in their tolbooth upon some light offence, and intend to proceed against him. Now, the defenders are not judges competent in the matter, because the pursuer is lord of the said regality, and has power to judge all persons dwelling within the bounds thereof, whether in criminal or in civil causes.—Charge had been given to Niniane Makmorrane, Alexander Persoun, Cornelius Inglis, and Archibald Adiesoun, bailies of Edinburgh, to appear and answer; and now, the complainer appearing, and Inglis and Adiesoun being present for the defenders, and having produced the said prisoner as charged, and an act of the court of the burgh of Edinburgh having been read, bearing that the offence of Ramsay consisted in his having usurped the liberty of the burgh of Edinburgh "be using of merchandice, housing and weying of staple guidis and selling the same at his plesour within the unfrie toun of Leith,"—with the addition that he had "balkis and brodis," and that he "hes sauld takle in tyme bigane and tappis the same in his awne hous,"—the Lords decern that the defenders shall release Ramsay, he first finding Page 74

a 1601-2. caution in 500 merks that he will cease from farther using of the liberties
e 750. of Edinburgh. George Wardlaw in Leith becomes surety for Ramsay to the said effect.

Charge to Lord Cathcart to pass and receive from the Earl of Cassillis the persons taken by him at the late conflict.

Recapitulation of the narrative of the late conflict between the Earl of Cassillis and Kennedy of Bargany (*ante*, p. 322): with the addition that, as Mure of Auchindrane "is deidlie hurt and in grit hasard and perrell of his lyfe," and can not have "the commoditie to be curit of woundis" so long as he is in the hands of the Earl of Cassillis, and as it is "verie suspicious" that he or the others taken at the conflict should be allowed to remain in the Earl's power, there is to be order to the Lord Cathcart to pass to the town of Mayboll, within 24 hours after the charge, and there receive from the Earl the said persons and set them at liberty in the town of Air or elsewhere outwith the bounds of the Earl, under pain of rebellion. There is also command to the Earl to deliver them to Lord Cathcart within three hours after his offer to receive them, and not to pursue them in their departure, under pain of rebellion.

Charge for new assurance between Lords Ochiltree and Lowdoun.

The assurances lately passed between Androw, Lord Stewart of Uchiltrie, and Hew, Lord of Lowdoun, having now almost expired, but the variance
e 751. still remaining, there is order to command both parties, within six hours after the charge, under pain of rebellion, to re-assure one another till 1st January 1603.

Suspension of horning and of commission of justiciary obtained against the Sheriff of Moray and others.

Complaint by Alexander Dumbar of Cumnok, Alexander Dumbar of Tarbett, Patrik Dumbar, servitor to the Laird of Cumnok, Mr. James Dumbar of Sanquhar, Nicolas Dumbar of Boigis, and James Dumbar, apparent of Boigis, as follows:—Williame Ros of Kilraak, Hucheoun Ros, his son and apparent heir, David Ros of Holme, Johne Ros in Cantray, Walter Ros in Meikle Geddes, Johne and Williame Rossis, his sons, have put complainers to the horn, or intend to do so, by virtue of letters raised by them against complainers for not finding caution for their indemnity; and, "upoun the said pretendit horning, thay have purchest a commissioun for persute of the saidis complenaris with fyre and sword." Now, long before the said denunciation, complainers had duly obtained suspension of the said letters before the Lords of Council and Session, having produced before the said Lords sufficient caution for the indemnity of the defenders; and so the said letters, with the said commission, should be
752. suspended simpliciter.—The pursuer appearing by David Dumbar of Daldork, but none of the defenders appearing, the Lords do suspend the said letters, and also the said commission, if any has been obtained.

Edinburgh, 21st December. Act to prevent the plague, now in Glasgow, from spreading to Edinburgh and its suburbs.

As the "infectioun of the plague of pestilence is laitlie enterit within the citie of Glasgow, sua that it is very suspitious and dangerous that ony trafficque or handling sal be intertenyit betuix the said citie and this burgh of Edinburgh," all the inhabitants of Glasgow are to be discharged, under pain of death, from resorting to Edinburgh, the Cannogait, or the town of Leith, or the suburbs of Edinburgh, so long as there is any suspicion of the plague in Glasgow, and till by a new proclamation there

be license to that effect. Conversely, the inhabitants of the said places in the east are forbidden to repair to Glasgow or to receive any wares thence during the said space, under the same pain. Acta 160

Holyrood-house, 22nd December.

Sederunt—Cancellarius; Angus; Fyvie; Uchiltrie; Newbottle; Roxburgh; Master of Paislay; Ros; Dunkeld; Blantyre; Kinlos; Haliruidhous; Treasurer; Secretary; Comptroller; Collector; Privy Seal; Justice Clerk; Advocate; Tracquair; Sir Thomas Erskene; Sir James Sandielandis; Sir Patrik Murray; Elimosinar.

Action against certain men of Glasgow and Irvine for transporting ammunition and goods to the rebels in Ireland.

Action at the instance of Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—Although, "in regaird of the mutuall intertenement of the guid and happy peace standing betuix his Hienes and his Majesteis darrest suster the Quene of England," there have been divers acts and proclamations forbidding intercourse beteen Scotland and the Irish rebels (*ante*, p. 304), yet Johne Mortoun in Irwing, Thomas Hucheoun there, Johne Hummill there, Mathow Hummill there, Alexander Lowrie there, Thomas Montgomerie there, James Rankene there, Johne Rankene there, James Fairie in Kilbryd, Johne Boyd there, Johne Mathie there, Duncane M^c^Ilmertene there, Johne Irwing, Johne Mure, skipper, there, Lowrie there, Allane Bell in Glasgow, Williame Simsone there, Johne Allane there, Johne Neilsoun (? Wilsoun), cooper, there, James Neilsoun, his son, Mathow Turnebull there, Normond M^c^Kynny there, David M^c^Kynny there, Johne Ros there, James Kyle there, George Pollok there, David Scherar there, Johne Wilsone, fisher, there, Johne Gray, fisher, there, Duncane and Johne Leithis, fishers, there, "preferring thair privat and unlauchfull gayne to his Hienes honnour and obedience," have at divers times "caryit and transportit furth of this realme to the pairtis of Ireland possest and inhabite be the saidis rebellis poulder, bullett, victuall, armour, and sic uther commoditie as thay could get within this cuntrey confortable and necessar to the saidis rebellis, and maid oppin mercat and merchandice thairof within the saidis boundis: quhairby, as the saidis rebellis ar conforted and encouragit to persist in thair detestabill and disperat tressoun aganis thair native Princeis, sua is his Majestie maist heichlie contempnit and his Hienes proclamationis foirsaidis vilipendit and misregairdit."—The pursuers appearing, but none of the defenders, the Lords remit that part of the complaint which concerns the said inhabitants of Glasgow to Ludovik, Duke of Lennox, and ordain the said inhabitants of Irwing and Kilbryd to be denounced rebels. Page 753 Page 754

To denounce John Johnstone and others for not answering to a charge of violent possession and spuilyie

Complaint by James, Earl of Glencairne, that, upon 15th September 1600, Johne Johnestoun, called of Lochhous, Douglas, brother of Johne Douglas of Craigmowen, and Henry Greir, with others, all armed with unlawful weapons, came to the said Earl's place of Glencairne and surprised the same, removed his servants furth thereof, and intromitted with the whole goods therein, besides, during the time of their keeping of

1601-2. the said place, committing divers spuilyies upon his tenants of the barony of Glencairne.—The pursuer appearing by Alexander Cunynghame, his procurator, but none of the defenders, the order is to denounce them rebels.

A Bailie of Dysart against the Mistress of Sinclair for impeding the course of justice against a person convicted of Sabbath-breaking.

755. Complaint by David Melvill of Wester Touch, bailie of Dysert, as follows:—Williame Dowie, miller, having been, in November last, convicted by a decree of the council and session of the kirk of Dysart in a pecuniary pain for profaning the Sabbath day "be using of work thairon," had, for frustrating the session of the said penalty, disappeared, and had been apprehended only on 2nd instant. The pursuer, being advertised that he was in the said burgh, had then caused him to be taken and presented in the council house, where pursuer was administering justice. Pursuer having adjudged Dowie to be committed to ward for his offence, Issobell Leslie, Mistress of Sinclar, and Johne and Johne Sinclaris, her servants, Gilbert Sinclar, David Tod and Patrik Reok in Dysart, with others in arms, entered the tolbooth "in ane maist temerous and bragging maner," and violently took away the said Dowie, whom they still keep.—The complainer appearing personally, and the said Mistress by Mr. Robert Leirmonth, and Leirmonth having produced a testimonial, subscribed by Mr. David Spens, minister at Kirkcaldy, certifying "hir disease and inhabilitie to travell," and none of the other defenders being present or represented, the King and Council ordain the said Mistress of Sinclair to enter Dowie again in ward in the said tolbooth upon instant, there to remain till he satisfy the offence for which he was first warded.

Suspension of horning against Alexander Stewart; who, however, is ordered into ward for assault.

756. Complaint by Alexander Stewart, son of James Stewart of Allantoun, as follows:—Letters of horning have been directed against him for his non-appearance to answer a complaint by Mr. Alexander Lokhart. Now, the charge against him had been executed at his father's place of Allantoun while he was dwelling with the Laird of Gairleis in the town of Wigtoun, so that he did not hear of the charge till after the said denunciation. As soon, however, as he had heard of the denunciation, he had gone to the place of Donypace, where his Majesty was for the time, and had purged himself of the crime laid to his charge by the said Mr. Alexander. His Majesty had then received complainer's obedience, and the Prior of Blantyre and Laird of Donypace had promised to his Highness that complainer should answer for his offence when charged. Still, complainer has found caution in 500 merks to answer to the said complaint of Lokhart upon 8th instant. Wherefore the said horning ought to be suspended.—Both parties appearing, and Stewart having confessed the "invasioun" of Lokhart at the time specified in the letters of horning, the

757. King and Council ordain him to be committed to ward in the tolbooth of Edinburgh for the offence foresaid, but suspend the said letters of horning.

Holyrood-house, 24th December.

Sederunt—PRESENTE REGE—Chancellor; Mar; Uchiltrie; Spynie; Newbottle; Dunkeld; Ros; Blantyre; Kinlos; Haliruidhous; Treasurer; Secretary; Comptroller; Collector; Justice Clerk;

Clerk of Register; Tracquair; Sir Thomas Erskene; Sir Patrik Murray; Sir James Sandielandis; Elimosinar. Acta 1601

Suspension of letters under pain of treason against John Strachan.

Complaint by Johne Strauchane, son of the late Alexander Strauchane of Thornetoun, as follows:—Alexander Elphingstoun, son of Alexander, Master of Elphingstoun, alleging that the said late Alexander Strauchane of Thornetoun had been put to the horn at his instance for non-payment of certain sums of money, and further that letters of treason had been raised in the name of Sir George Home of Spott, treasurer, for the King's interest, and in his own name for his own interest, charging the said Alexander Strauchane, as alleged rebel, and all other keepers of his houses, to deliver the same to the executioner of the said letters, has caused charge complainer, as keeper of the dwelling place of Thornetoun, to render the same to the said executioner, under the pain of treason. Now, as soon as the charge was given to the complainer by the said officer, complainer had offered to obey the same; but the officer, "haveing uther busynes ado farder nor the said duelling place," had promised to receive the place upon his returning. Complainer had waited a long time for this return of the officer, ready to deliver the house; but the officer, thinking to draw complainer "under the inconvenient of tressoun," had not re-appeared. As complainer is most willing to deliver the said place, and has found caution to that effect, the said letters should be suspended. Page 758. —Complainer appearing, and having delivered the keys of the said house, the Lords do suspend the said letters.

Charge to certain inhabitants of Dumfries to appear as witnesses in an action for Popish practices and reset of Jesuits against certain other persons in the said burgh.

As, nothwithstanding the Acts against hearing and saying of mass, resetting of Jesuits, &c., Mr. Gilbert Browne, sometime abbot of Newabbay, and Mr. Johne Hammiltoun, have not only been divers times resetted in the burgh of Dumfreis and various other places thereabout, but have "sayed messe and bapteist sindrie bairnis" in the said burgh and other places, and "hes intysit and allurit mony ignorant and simple people to schaik af the trew religioun, and to be present with thame at thair messis," it is ordered that, for trial of this cause, and of the behaviour of such inhabitants of the said burgh as have this day "bene convenit" before the King and Council in connexion with it, the following Page 759. persons be charged, under pain of rebellion, to appear upon 14th January next to bear witness in the said matter: viz., Johne M°Ghie in Dumfreis, Eduard Maxuell of the Hillis, Johne Bryce, elder, Johne Aslowane of Garloch, Johne Gibsoun, flesher in Dumfreis, Edward Craufurd and Harbert Wilsoun, "bedrellis" of the kirk, James Aitkyne, weaver, John Mullikyne, burgess, there, Adame Walker there, Johnestoun of Newbie, James Cannen in Armannoch, Francis Irwing, Robert Edzer, Johne Schortrig, John e Merschell, Mr. Harbert Gledstanis, schoolmaster, James Young, Johne Hannay, Williame Carrok, James Rig, David Quhyt, James Maxuell, Robert Braikmyre, Johne Richardsoun, Johne Gledstanis, Alexander Glovar, Robert Batie, and Robert Cairtour.

Resumption of action against Williame, Lord Hereis, the Master of Herreis,

a 1601-2. and their colleagues before mentioned (*ante*, p. 312), as also against Homer Maxuell, commissary of Dumfreis, Paull Thomesoun there, Williame M^cJoyr, cordiner, there, Peter Turnour, notary, Johne Neilsoun, tailor, Johne Aslowane of Garrauch, for reset of Jesuits and excommunicated papists, and in special of Mr. Johne Hammiltoun and Mr. Gilbert Browne, and for attending mass with them.—Charge had been given to the said Lord Hereis and Master of Hereis, and to Peter Turnour, Adame Corsane, Johne Corsane, Eduard Hornar, Mathow Forsyth, Johne Gibsoun, Robert and Patrik Kaes, Johne Maxuell, Cuthbert Browne, Thomas M^cBirnie, Johne Bryce, younger, Robert Cairtour, Adame Walker, Robert Cunynghame, Homer Maxuell, Williame M^cJoyr, Paull Thomesoun, Johnne Aslowane, Johne Bryce, Johne Neilsoun, Walter Hereis of Knokshynnan, Johne Hereis in Bracoch, Robert Hereis in Killilour and Eduard Maxuell, e 760. to appear and answer this day, under pain of rebellion: and now (1) Lord Hereis, Adame Corsane, Johne Corsane, Edward Horner, Mathow Forsyth, Robert and Patrik Kaes, Johne Maxuell, Cuthbert Broun, Thomas M^cBirny, Adame Walker, Robert Cunynghame, Homer Maxuell, Williame M^cJoir, Cuthbert Turnour and Peter Turnour appear personally; (2) the said Edward Maxuell of Hillis, Johne Aslowane of Garoch, Johne M^cGhie and Johne Bryce appear by Cornelius Tennent, their procurator, who produces testimonials of the bailies and council of Dumfreis, and of the vicar, reader and elders of the kirk of Terriglis, certifying the "disease and infirmitie" of his said constituents and their inability to travel; (3) the said Johne, Master of Hereis, Johne Gibsoun, Johne Bryce, younger, Robert Cairtour, Paull Thomesoun, Johne Mundall, Johne Neilsoun, Walter Hereis of Knokschynnan, Johne Hereis in Breacoch, and Robert Hereis in Killilour fail to appear. Those in the first list having been desired by the King and Council to give their oaths declaring the verity anent the reset of the said Mr. Johne Hammiltoun and the said Abbot of Newabbay in Dumfreis and elsewere, and Lord Hereis having deponed in the said matter, but his said colleagues having refused to do so, the order is that they be committed to ward in the tolbooth of Edinburgh and the Cannogait, therein to be detained till they are tried,—the 14th January next being assigned e 761. for the trial. The absence of those in the second list is excused in respect of the said testimonials; and they are to be summoned of new to appear upon the said 14th January. Those in the third list are to be denounced rebels for their non-appearance.

Pursuit of Lord Herries and a number of inhabitants of Dumfries for Popish practices and reset of Jesuits.

Order to charge Sir James Johnestoun of Dunskellie, on the one part, and Robert Dalzell, elder of that Ilk, Robert Dalzell, younger of that Ilk, Williame Crychtoun of Liberie, Crychtoun of Crawfurdstoun, Williame Crychtoun of Tounheid, Williame Crychtoun of Auchintagart, and Williame Crychtoun of the Hill, on the other part, to find mutual assurance till 1st January 1603, within six hours after the charge, under pain of rebellion.

Holyrood-house, 26th December.

Charge for assurance between the Laird of Johnstone and the Laird of Dalzell.

Edinburgh, 28th December. Entry of Charles Balfour.

Sir Johne Gordoun of Lochinvar, having entered Charles Balfour, protests that he has satisfied the charge to that effect (*ante*, p. 307); and the protest is admitted. Acta 1601

Registration of acquittance by the King to the Earl of Mar for certain of the crown jewels which had been in the Earl's custody

Registration by Mr. Thomas Hammiltoun, King's advocate, of an acquittance whereby his Majesty acknowledges having received from Johne, Earl of Mar, the following jewels:—"ane crois quhairin is sett sevin diamondis and tua rubeis; ane grit rubie sett in a chattone of gould; ane grit diamond squarit and tailyeit lyke a rois; ane hat-string contening four scoir and nyne small diamontis; ane fedder for ane hatt, maid in forme of ane A, contening ane hundreth and ten diamondis, small and grit; ane brassart of gould contening fourscoir and thrie small diamondis; ane carkant of gould contening threttene peicis, quhairin thair is sett fyftie tua rubeis, threttie ane diamondis, and fyftie tua peirlis; ane hingar contening tuentie diamondis and tuentie rubeis; ane uther hingar contening tuentie sevin diamondis and aucht rubeis; and ane ring sett with a pointit diamond and four table diamondis."—The said jewels had been delivered to the said Earl by an Act of Privy Council, dated 18th February last, for certain causes there specified. The said Act is now declared to be satisfied in all points, the jewels now returned being those then delivered to the Earl, and having been returned unaltered and unvitiated. Accordingly, the Earl and his heirs are exonered of the said jewels for ever. The act is subscribed at Haliruidhous, 24th December, by his Majesty, the Chancellor, Lord Uchiltrie, Sir George Home, treasurer, the Comptroller, Lord of Newbottle, Lord Fyvie, the Secretary, Johne Prestoun, Mr. Thomas Hamiltoun, the Clerk of Register, and Sir Patrik Murray. Page 762.

Edinburgh, 29th December.

Sederunt—Chancellor; Angus; Fyvie; Newbottle; Roxburgh; Dunkeld; Blantyre; Kinlos; Treasurer; Comptroller; Collector; Justice Clerk; Advocate; Privy Seal; Clerk of Register; Tracquair; Sir Patrik Murray; Bruntiland; Elimosinar.

To denounce John Meldrum for not answering to a charge of assault.

Complaint by Alexander Elphingstoun, son of Alexander, Master of Elphingstoun, and donator to the escheat and liferent of Andro Meldrum of Drumbrek, George Meldrum, his son and apparent heir, and Andro Meldrum, also his son.—He is most heavily troubled by Johne Meldrum, son of the said Andro, in the lands of Drumbrek, belonging to him by virtue of the said gift. Thus, in July last, the said Meldrum came to James M°Kie, miller, complainer's tenant of his mill of Drumbrek, most shamefully assaulted him, and left him for dead.—Complainer appearing by David Hart, his procurator, the defender, for not appearing, is to be denounced rebel. Page 763.

Edinburgh, 31st December.

Sederunt—Chancellor; Fyvie; Lowdoun; Master of Elphingstoun; Dunkeld; Ros; Blantyre; Haliruidhous; Secretary; Collector; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Bruntiland; Sir Patrik Murray.

Acta 1601-2. Complaint by Johne Dalrumple of Stair, as follows:—About midnight upon day of last, James Dalrumple, James Wallace, younger of Dullarie, Johne Logie in Bennane, Gilbert Kennedy of Lannachie, all servitors to Johne Kennedy of Blaquhane, Adame Reid, servitor to the said James Dalrumple, Gilbert M°Fadreis, servitor to the Laird of Girvenmains, Michaell M°Quyne, merchant at Stratoun, Johne Logie there, Richard Kennedy, servitor to James Kennedy, son of the said Laird of Blairquhane, all by the special causing of the said Laird of Blairquhane, came out of the said Laird's house, armed with hagbuts and pistolets, to the complainer's dwelling-house of Stair, broke up the doors of his stable, put violent hands in Johne Dik and Michaell Speir, his servants, who were then lying in their beds, bound them hand and foot, and carried Dik as prisoner with them for four miles; and also took Page 764. out of the said stable two coursers, one gray, worth £500, and the other brown, worth £100, and carried them to the said Laird of Blairquhane, by whom they and the said horses were and still are resetted.—Charge had been given to the said offenders, with the exception of Gilbert M°Fadreis, as also to Johne Dalrumple, to answer; and now, complainer appearing, but none of the said defenders, the order is to denounce them rebels.

To denounce James Dalrymple and others for not answering to a charge of spuilyie upon John Dalrymple of Stair.

As "this universall contempt of his Hienes authoritie and lawis in everie quarter of this realme proceidis, for the maist pairt, fra the grit ouersicht and negligence of the schireffis in the executioun of his Hienes lawis againis denuncit rebellis, remaining unrelaxit within thair boundis," and as [Sir George Home] has now accepted from his Majesty the "cair and ouersicht of his Hienes thesaurarie, with ferme intentioun, God willing, to put some better ordour to this enormitie and contempt," there is order to charge the whole of the sheriffs of this realm to send for their clerks and registers, extract the names of persons put to the horn and standing unrelaxed since 1596, affix these names upon the market cross and tolbooth door of the head burgh within each shire, apprehend the persons themselves, Page 765. inventory and arrest their moveables for the use of the Treasurer, and execute all other measures prescribed by the laws till such rebels find caution for their relaxation from all preceding hornings betwixt and that day month, —each earl or lord in £2000, each baron in £1000, each landed gentleman in 1000 merks, and every person of inferior rank in 500 merks, all under the pains in the laws and Acts of Parliament. For the better security of the diligence of the said sheriffs in the premisses, they are commanded to appear before the King and Council upon the days following, and to bring with them their deputes, clerks, and registers since 1596, with acts of caution, if any be, under pain of rebellion: viz., the sheriffs of Kincardin and Forfar, 2nd February next; of Fyfe, Perth and Stratherne, 11th February; of Aberdene, Banff, Murray and Inuernes, 2nd March; and the sheriff of Wigtoun, 9th March.

Charge to all the Sheriffs of the realm for more effective execution of their offices against rebels put to the horn since 1596, and still unrelaxed.

Complaint by David Quhyte that, upon 1st October last, Thomas Collace of Pitforkie came at night to his lands of Bractillo, with swords, hooks and other instruments, and cut and destroyed the whole corns

David White against Thomas Collace.

growing on the said lands, extending to five bolls of oats.—Both parties appearing, the matter is remitted to the judge competent thereto. Acta 1601-2.

Holyrood-house, 5th January 1602.

Sederunt—Chancellor; Angus; Mar; Fyvie; Newbottle; Dunkeld; Master of Elphingstoun; Master of Paislay; Kinlos; Haliruidhous; Treasurer; Secretary; Collector; Advocate; Sir Patrik Murray; Sir Robert Melvill; Kilsyth; Elimosinar. Page 766.

Treasurer against Ogilvy of Finlater, for presentation of Mistress Christian Douglas.

The 2nd February next is assigned to Sir George Home of Spot, treasurer, and Mr. Thomas Hamiltoun, King's advocate, for proving that Mistress Christeane Douglas, eldest sister of the late Earl of Buchane, was in the company of Sir Walter Ogilvy of Findlettir at the charge given to him upon 18th December last "for exhibitioun" of the said lady before the King and Council this day, and that she has been in his company, since (*ante*, p. 312). Sir Walter, being present, is warned hereof.

Holyrood-house, 7th January, 1602.

Sederunt—PRESENTE REGE—Lennox; Chancellor; Angus; Fyvie; Newbottle; Ros; Master of Elphingstoun; Master of Paislay; Kinlos; Blantyre; Haliruidhous; Collector; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Sir Patrik Murray; Bruntiland; Kilsyth; Elimosinar.

A Council nominated to advise his Majesty "in the matter of the weiris," and especially in the matter of armed help to the English Queen against the Irish Rebels.

"Forsameikle as, his Majestie being of that mynd and resolutioun to interteny the trew band of peace and amitie betuix him and his darest suster the Quene of England, and to assist and further hir at all occasionis according to the mutuall treateis and leagues of peace betuix thame, and in speciall to levy some forces within this realme for suppressing of some of his said darrest susteris rebellious and disobedient subjectis within the pairtis of Ireland; and to the effect that, als weill in that particular as in all utheris thingis concerning the weiris, thair may be ane speciall regaird of the same, and that the chairge, burdyne, and directioun of these effairis may be committit to ane speciall nowmer: thairfoir his Hienes hes nominat and appointit the personis efter following counsallouris to his Majestie in the materis of the weiris,—thay ar to say, Ludovick, Duke of Lennox, Johne, Erle of Mar, Hew, Lord of Lowdoun, Sir Johne Murray of Tullibairdin, knycht, Sir Thomas Erskene of Gogar, knycht, Sir Williame Levingstoun of Kilsyth, knycht, James, Commendatar of Incheffray, Sir Williame Stewart of Houstoun, knycht, commendatar of Pittinweme, Colonell Bartilmo Balfour, Mr. Williame Murray, brother germane to the said Laird of Tullybairdin; and the said Ludovick, Duke of Lennox, to be the president of the said counsall of the weiris, and he to have powar at all tymes, placeis and occasionis to convene the saidis counsallouris; quha, being convenit, sal have the chairge, burdyne, and directioun anent any thing that sall occur anent the saidis weiris, and sal gif his Majestie thair best avyse, counsall, and resolutioun Page 767

Acta 1601-2. in sic thingis as salbe proponit to thame, and quhairof thay sall have ony adverteisment."

The 28th instant of new assigned to the magistrates of the burghs of Perth and Dundie for appearing and submitting, conform to the act dated 26th November last (*ante*, p. 312), all quarrels standing between them. If, at the said day, they appear not with full power in the matter required by the act, it is ordained that the said parties shall have process in all actions raised *hinc inde* either before the Lords of Secret Council or the Lords of Session. Meanwhile all the said actions are continued *in statu quo* till said 28th January. Sir James Skrymgeour of Dudhop, provost, Robert Flescheour, Johne Findlaysoun, and Patrik Lyoun, bailies, and Mr Robert Weddirburne, clerk, of Dundie, and Gawne Dalzell, bailie, James Adamesoun, Patrik Grant, Robert Lethame, burgesses of Perth, and Henry Eldar, common clerk thereof, being present as commissioners for the said burghs, are warned hereof.

Continuation of the diet for settling the disputes between the burghs of Dundee and Perth.

Johne, Earl of Mar, and Edward, Commendator of Kinlos, late ambassadors to the Queen of England, having "exponit and declairit to the Kingis Majestie the forme and maner of thair proceidingis and negotiation," the King, with advice of his Council, declares that they have "behavit thameselffis verie honnorablie," and therefore exoners them in that matter.

Exoneration to the Earl of Mar and the Commendator of Kinloss, late ambassadors to England.

Page 768.

Ludovick, Duke of Lennox, having explained his proceedings in his embassy to his Majesty's dearest brother the King of France, is similarly approved and exonered.[1]

Exoneration to the Duke of Lennox as ambassador.

Complaint by Jackie Laidley , as follows:—In March last, Johne Rutherfuird of the Toftis, Robert, Thomas, and Williame Rutherfuirdis, his sons, Johne Stevinsoun, his good-son, and Archibald Rutherfuird in , with others, all armed with jacks, steelbonnets, lances, hagbuts,

To denounce John Rutherford and others for not answering to a charge of violence and oppression.

[1] The Earl of Mar and the Commendator of Kinloss (Edward Bruce) had returned from their mission to England in the end of the previous May (*ante*, p. 249, footnote), and it does not appear why their exoneration had been so long deferred. The Duke of Lennox, who had gone on his mission to France in the preceding July (*ante*, p. 268, footnote), had returned to Edinburgh but a few days before our present date. He had returned through England, and had spent about a month in London, having interviews with Queen Elizabeth, and consultations with the leading English politicians in continuation of the business of the previous mission of Mar and Kinloss. Spotwood, who was the Duke's chaplain in his embassy, gives the following account of his doings in England (p. 466):—"A Parliament was then sitting at Westminster (the last that Queen Elizabeth held); which, with his coming upon that instant, gave many to think that he was come to urge a declaration of the King's right of succession; and not a few they were, nor of small note, that offered to assist, if he should move any such business: but he told them that neither had he any such commission, nor would the King ever agree to anything that might breed a jealousie in the Queen. And his commission indeed was no other but to salute the Queen in the King's name, and let her know the kinde and filiall affection he carried unto her, whereof he should be willing to give proof at all occasions. And, for that he was given to understand that the Irish Rebells had drawn in some Spanish forces into Ireland to fortifie themselves in their rebellion, he would, if his ayde should be thought necessary, employ the same for their expulsion. The Queen, giving the King many thanks, said that, if those troubles continued, she would take his help, and hire some of his Highlanders and Islesmen, but she trusted to hear other news shortly, and not to be vexed long with those strangers."

and pistolets, came to the complainer's lands of , where he and his servants were ploughing in peaceable manner, and there stopped their ploughs, avowing to have their lives if they were found labouring the said lands again. They then cut the sacks containing the corn with which complainer should have sown the said lands, and cast the corn in the water of Jedburgh. Further, in May last they came to complainer's dwelling-house in Antrop, intromitted with his whole moveables therein, threw most of them in the fire, and burnt the said house to the ground. Afterwards, they reft from him five cows and oxen, and barbarously houghed and slew two cows. Finally, in September last, they came to his said lands, where his servants were leading home his corns, and "hurt and maiglit" three oxen, and slew two nags which were yoked in his carts, assaulted his wife, wounded his sister with a spear to the peril of her life, and sought himself for his slaughter.—Complainer appearing, but none of the defenders, they are to be denounced rebels. Acta 1601-2. Page 769.

Protest in favour of Mr. Robert Buchanan, suing certain persons to relieve him of taxation.

Mr. Robert Buchannane, provost of Kirkheuch, appears and gives in a copy of letters raised by Alexander Wod of Lamelethame and Mr. Johne Aitoun of Kynnadie, charging him to produce the letters of relief wherewith he had required the said Alexander to pay him 8 merks for the tax of his lands of Turnegowre and £8 for his tax of his two-part lands of Lamelethame, and the said Mr. Johne to pay him £8 for the tax of his lands of South Kynnadie, with the mill thereof, and £4 for the tax of North Kynnadie, in order to the suspension of the same. And now, neither Alexander nor Mr. Johne appearing, Buchannane protests that he shall not be held farther to answer till he is newly warned and awarded his expenses, and also that the said letters of relief shall be executed against them in all points. The Lords admit the protest and ordain accordingly. They also ordain Archibald Prymrois, writer, in whose hands £10 had been consigned by the said Mr. Johne, and 10 merks by the said Alexander, to deliver these sums to Buchannane in part payment. Page 770.

Act in favour of Douglas of Earlsmill against the slayers of his son.

Supplication by Williame Dowglas of Erlismylne, as follows:—About four years ago, Williame Douglas, his son, not past the age of twelve years, was shamefully murdered in the night by Alexander Tulloch, apparent of Tannacheis, George Tulloch, James Tulloch, Alexander Dumbar, Alexander Sutherland, with others, who as yet, "in all thair proceidingis not wanting some cullourit excuis and subterfuge of law," have eluded justice. Three several times petitioner had charged them to answer before the Justice, and each time an assize had been summoned out of Murray, and "compeirit, to thair grit and havie skaith." The first time they had been "excuisit be testimoniallis of thair awne making"; twice they had been absent, and their cautioner had been unlawed,—"quhilk thay regairdit not, becaus thay agreit easlie with thair unlawis"; they had themselves been denounced to the horn, "and his Majesteis commissioun twyse purchest aganis thame upoun the said horning." In spite of all which, action against them is "now the thrid tyme of new suspendit" upon caution found for their entry. "Quhilkis cautioneris now the fourt tyme the said

Acta 1601-2. complenar hes chairgit to enter thame befoir the said Justice, to underly the law, aganis the penult day of this instant. And, upoun the assuirit informatioun that thay intend to suffer the cautioneris to be unlawit, and yit, to eschew the executioun of the commissioun direct aganis thame, ar of that mynd immediat thairefter to purches of new suspensioun, upoun that onlie mynd and intentioun that be thir lang lingering delayis and subterfugeis the dew executioun of justice may be frustrat, the said complenar, being ane gentleman of meane rank and calling, haveing waistit
Page 771. ane grit pairt of his substance alreddy heirupoun, off necessitie man be forcit to leif ony forder persuite, and sua thay to remaine unpunisched, ane mater tuicheing his Hienes very far in honnour." The complainer therefore humbly prays for remedy.—The King and Council declare that, if the defenders enter not on the day foresaid, no farther suspension shall be granted to them upon the offer of new caution, but the pursuer's letters of horning shall have due execution.

Sederunt—Lennox; Chancellor; Angus; Mar; Fyvie; Roxburgh; Master of Elphingstoun; Dunkeld; Ros; Blantyre; Kinlos; Haliruidhous; Treasurer; Secretary; Privy Seal; Justice Clerk; Collector; Advocate; Sir Thomas Erskene; Sir Patrik Murray; Bruntisland; Kilsyth; Elimosinar. Holyrood-house, 12th January.

Sir George Douglas of Helenehill, being received to be of the Council, gives his oath *de fideli administratione*, promising to observe all heads of the Act made anent the oath of Councillors (vol. v. p. 500). Douglas of Helenhill admitted of the Council.

Complaint by Sir Johne Murray of Ethilstoun, as follows:—James, Lord Hay of Yester, sheriff principal of the shire of Peiblis, as collector for that shire of the present taxation of 100,000 merks, has charged complainer to pay him £48 for his part of the said taxation of his lands of Blakbarrony,
Page 772. Kingisland, Curhoip, and Deane Easter Quhytlaw. Now, the lands of Blakbarrony, Kingisland and Curhoip have been always estimated for taxation at £30 of old extent, and the said lands of Deane at 40s. of old extent, extending in all to £32, as will be seen by a roll subscribed by Johne Allane, sheriff clerk of Peiblis, and made upon 27th January 1556 by certain commissioners appointed by the King's mother for retouring and stenting of all lands within this realm,—who, considering the barrenness of the said lands, and their "evill nychtbourheid," as being subject to depredations from Liddisdaill, Ewisdaill and Annanderdaill, had taxed the same at £32. Complainer and his predecessors always paid this valuation, and he ought not now to be liable for more. He has, however, consigned the said sum of £48 in the hands of Archibald Prymrois, under protest that the superplus shall be returned if his plea holds good.—The complainer
Page 773. appearing personally, and the defender by Horsburgh of that Ilk, his sheriff depute, and the former having produced the said roll made by Queen Mary's commissioners, and the latter having produced another tax roll of the shire of Peebles, subscribed by Williame Murray of Romannos, and Murray of Blackbarony against the Sheriff of Peebles for over-taxing his lands in the said shire.

David Crychtoun, notary and sheriff clerk of Peiblis, in which the lands of Blakbarony are stented at £40, the lands of Curhoip at 40s., and the lands of Deane Easter Quhytlaw at £4, the Lords find that the foresaid tax roll made by Queen Mary's commissioners is the only just and true tax roll of the said shire, and therefore decern for complainer, ordaining Prymrois, in whose hands the said sum of £48 is consigned, to deliver to Horsburgh £32 for the tax of the said lands, and to return the balance. Acta 1601-2. Page 774.

To denounce MacDowall of Garthland.

Suit by Mr. Thomas Hamiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—Andro M^cIlroy, dwelling at the mill of Lochronnald, had, upon 18th May last, been put to the horn for not finding surety to appear before the Justice in the tolbooth of Edinburgh for underlying the law for the "filthie and abhominable cryme of adulterie." He remains yet at the horn; and, as he is Johne M^cDowall of Garthland's man, his said master is bound to enter him.—The pursuer appearing, M^cDowall, for neither appearing nor having presented M^cIlroy, is to be denounced rebel.

Charge for assurance between Lords Ochiltree and Cathcart.

Order to charge Andro, Lord Stewart of Uchiltrie, and Allane, Lord Cathcairt, to subscribe, within six hours after the charge, under pain of rebellion, such form of mutual assurance as shall be presented to them, to endure till 1st January 1603. Page 775.

John Cumming against Montgomery of Langshaw, for violent eviction: Decree for the defender.

Complaint by Johne Cumyng in Balgray, and Alexander Cumyng, his son, as follows:—Upon 13th December last, being Sunday, Neill Montgomerie, younger of Langschaw, Johne Armour in Gylmylne, Johne Montgomerie at Stewartoun Kirk, with seven or eight others, all armed with swords, gauntlets and forehammers, came at twelve hours at even, while complainers were in bed, to their house in Balgray, broke up the doors thereof, took them out of their beds, bound the said Johne's hands behind his back as if he had been a thief, and carried him as prisoner to the castle of Stewartoun, where he was kept three days and received "mony bauch, bla, and bluidy straikis." Since then they have intruded themselves in his said house and intromitted with his whole goods and plenishing.—Charge had been given to Neill Montgomerie to answer; and now, both parties appearing, the Lords assoilzie the defender simpliciter,—on the ground that, the pursuers being his tenants, and having wrongously intruded themselves into the said lands 24 hours before their ejection, the defender had only exercised a landlord's right in committing the said Johne to ward till he found caution not to attempt farther trouble, and that all he had done was for "peace and concord amangis his tennentis allanerlie." Page 776.

John Smith against Lord Maxwell and Grierson of Lag, for the entry of a certain rebel.

Complaint by Johne Smyth, son of the late Thomas Smyth, sometime in Killistoun, as follows:—His said father, having obtained a decree upon 30th July 1596 against Robert Greirsoun in Kirkbryd for coming to the lands of Killistoun, breaking open the doors, chests, and lockfast places in the house, and spuilyieing goods specified in the said decree, had caused charge the said Griersoun in all the four forms to deliver back the said goods; but Griersoun, having disobeyed the charge, had been put to the

Acta 1601-2. horn. Now, the said action having been transferred to complainer by a decree of the Lords of Council and Session, complainer also had charged Greirsoun in all the four forms to re-deliver the said goods. Having again disobeyed, he has been again put to the horn, at which he has remained these six years; and, as he is Lord Maxwell's tenant and Williame Greirsoun of Lag's household man, they are answerable for him
Page 777. by the general band.—The complainer appearing by his mother, and the Laird of Lag, defender's chief, appearing personally, the Lords assoilzie Lag, because he declares by his "grit aith" that the accused is not household man or tenant of his; but they order Lord Maxwell to be denounced rebel for non-appearance.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Angus; Mar; Fyvie; Spynie; Lowdoun; Master of Elphingstoun; Ros; Blantyre; Haliruidhous; Kinlos; Treasurer; Secretary; Justice Clerk; Privy Seal; Collector; Advocate; Sir Patrik Murray; Sir Thomas Erskene; Kilsyth; Bruntiland; Sir James Sandelandis; Elimosinar. Holyroodhouse, 14th January.

Page 778. Johne Gledstanis, Alexander Gluvar, Robert Batie, Robert Cairtour, Johne Roull, smith, Johne Gibsoun, flesher, James Aitkyn, weaver, and James Maxwell, failing to appear this day, as charged, to bear witness in the trial of certain inhabitants of the burgh of Dumfreis, accused of resetting Mr. Gilbert Broun and Mr. Johne Hammiltoun, Jesuits, and of other acts violating the laws made against papists (*ante*, p. 326), are to be denounced rebels. To denounce John Gledstanes and others for failing to appear as witnesses in the trial of certain persons in Dumfries for Popish practices.

Complaint by Martha Forrester, relict of Thomas Maull, and by Gawin Duncane, officer, for his interest, as follows:—The said Martha having raised letters against Mr. Robert Maull, burgess of Sanct Androis, ordering him to deliver to her certain evidents and goods that had been spuilyied from her, the said Gawin, as her officer, had passed, upon 25th July last, to the house of the said Mr. Robert, to deliver him a copy of the said letters, and, because of his "non-personall apprehensioun," had given the copy to his wife. After which the officer repaired furth of the burgh; and, when he was distant from it only the space of , the said Mr. Robert, accompanied by Williame Leirmonth, younger,
Page 779. burgess there, came "efter ane affable and dissimilat maner," and put violent hands in him, took his sword and other arms from him, struck him upon the head and shoulders, and forcibly took him back to the said city, where they abused him after "ane uncouth and uncivill forme."—Martha appearing by her procurator, Gawin personally, and Leirmonth being also present, and producing a testimonial, subscribed by the ministers, elders, deacons, and session of the Kirk of Sanct Androis, certifing the "infirmitie and disease" of Maull, the King and Council assoilzie Leirmonth, because, the point of the libel having been referred by his Martha Forrester against Mr. Robert Maull and William Learmonth of St. Andrews.

pursuers to his oath, he has declared his innocence. They also excuse the absence of Maull for the cause foresaid. Acta 1601–

Holyrood-house, 16th January. Act for enforcing the Act of Estates of September last anent a new coinage.

Although, by an Act of the Convention of Estates held at Perth in September last, all gold and silver coins then in circulation were to be brought to the cunyiehouse by 1st instant, that they might be restruck in certain pieces, and the circulation of the said decried money after the said day was discharged under pain of escheat of the same and a fine of £100 from the giver and receiver,—with proviso, however, that it should be lawful to bring in the said decried money after the said day to the cunyiehouse as bullion, at 55s. per ounce of silver of 11 denier fine. and £33 per ounce of gold of 22 carat fine (*ante*, p. 285),—yet, the said day being past, the said "decryit cunyie" is not brought in, but is still current over all the realm, and the "pryceis of the same raisit and hichtit at the appetyte of the gevaris out and ressaveris." There is therefore order to discharge all the lieges, by open proclamation at the market crosses of the head burghs, from receiving or giving out the said decried money, with command to bring in the same to the cunyiehouse, where they shall be paid therefor conform to the said Act. Page 780.

Holyrood-house, 17th January. The Marquis of Huntly and Gordon of Gight.

As, notwithstanding the promise made by George, Marquis of Huntley, and his obligation by an Act of Council (*ante*, p. 295), to keep Williame Gordoun of Geycht furth of his lieutenancy while at the horn for the "vyld contempt and indignitie" done to the King's officer, the said Gordoun has returned within the realm and has passed home, or at least haunts the said bounds, there is order to charge the Marquis to enter Gordoun before the Council upon to answer. Page 781.

Holyrood-house, 19th January.[1]

Sederunt—Chancellor; Angus; Mar; Fyvie; Uchiltrie; Spynie; Master of Elphingstoun; Ros; Blantyre; Haliruidhous; Treasurer; Secretary; Justice Clerk; Advocate; Sir Patrik Murray; Sir Robert Melville.

Dunbar of Tarbet against Rose of Kilravock: Diet for proving the libel.

The 2nd March next is assigned to Alexander Dunbar of Tarbett for proving the following points of the summons raised by him against Williame Ros of Kilraak, Hucheoun Ros, his son and apparent heir, Johne Ros, provost of Narne, Patrik Ros, his son, David Ros of Holme, and Johne Ros of Cantray, (1) touching their reset of David Ros Williamesoun, Williame Ros, his brother, Allaster Ros in Airdrie, Johne, Walter, and David Rossis, his brothers, Angus M°Annay, Ferquhar Bow, and Ewne Dow, thieves and sorners of clan, before and after the burning of the houses of Glenfaill, committed by them upon 15th May 1600, and before and after the burning of the barns, byres and "killis" of Glenfaill, committed by them upon 28th September last; (2) touching the accompany-

[1] "Upon Moonday the 18th of Januar the Queene was delivered of her thrid sonne, in Dumfermline" (Calderwood vi. 143). He was christened Robert, but did not live half a year.

a 1601-2. ing of the Baron of Kilraak by the said thieves to certain of his trysts and gatherings; (3) touching their having liberty of pasturage within his bounds; (4) touching the taking by the said Baron of the said thieves
e 782. under his assurance. The Laird of Tarbett, the Baron of Kilraak, Johne Ros of Cantray, and Patrik Ros, son of the said Provost, being present, are warned hereof.

Sederunt—Cancellarius; Newbottle; Dunkeld; Kinlos; Haliruidhous; Treasurer; Justice Clerk; Collector; Advocate; Clerk of Register; Sir Patrik Murray; Sir Robert Melvill; Elimosinar. Edinburgh, 21st January.

Registration, by Mr. Thomas Hammiltoun, King's advocate, of an acquittance whereby his Majesty, with advice of Sir George Home of Spott, treasurer, acknowledges having received from Sir Johne Gordoun of Lochinvar the sum of 5000 merks in "full contentatioun" of the sum of 10,000 merks specified in a decree of the Secret Council, dated at Haliruidhous 12th November last, pronounced against him for not entering Sir Robert Gordoun, Johne Gordoun of Pennynghame, Alexander Gordoun of Auchlene, and certain others of his men, to the effect they might answer for the slaughter of George Stewart (*ante*, p. 308). And, because the said Sir Robert and his said accomplices refuse to follow the
e 783. advice of the said Sir Johne touching the rendering of their obedience, so that he cannot make them answerable, the said Sir Johne and his cautioners are not to be held to answer for the said persons during their rebellion, provided that they do not reset them without warrant subscribed by the King and Treasurer. Subscribed at Haliruidhous 18th January. Acquittance to Gordon of Lochinvar, on his compounding for his penalty under a former Act.

Sederunt—Chancellor; Ergyll; Mar; Fyvie; Uchiltrie; Newbottle; Roxburgh; Master of Elphingstoun; Bishop of Ros; Haliruidhous; Treasurer; Secretary; Collector; Justice Clerk; Advocate; Privy Seal; Clerk of Register; Sir Patrik Murray; Bruntiland; Elimosinar. Holyroodhouse, 26th January.

"Forsameikle as the Kingis Majestie and Lords of Secrete Counsall ar suirlie informit how that the plague of pestilence within the burgh of Carraill daylie incressis, and how that, throw default of guid ordour and governament within the said burgh and cair and provisioun for intertenying of the puir and indigent creatouris quha upoun suspicioun of the said plague wer putt upoun the Mure, the saidis suspect and foull personis ar wanderit away and scatterit in sindrie pairtis of the cuntrey of Fyffe, sua that it is to be feirit that thay sall fyll and infect the haill cuntrey, gif God of his mercy put not to his helping hand, and that a guid ordour be tane als weill for thair apprehensioun and dew punischment, to the terrour of utheris to wander and pas away fra the appointit placis of thair residence, as for provisioun to be had for the intertenying and halding Measures to be taken for stopping the progress of the plague, broken out in Crail.

togidder of all sic personis as ar alreddy or heirefter salbe putt furth of Acta 160
the said toun upoun the Mure: And thairfore his Majestie ordainis letters to be direct to command and chairge the Sheriff of Fyff that he, with all convenient expeditioun, convene the barronis and gentilmen duelland ewest to the said burgh of Carraill and uther pairtis thairabout, and be thair avyse to prescryve and sett doun reullis, actis, and ordinanceis how the foull personis may be separat frome the clene and some convenient placeis appointit for thair residence and remaning during the tyme of thair tryall, and how and in quhat maner the saidis foull Page 784
personis salbe intertenyit and stayit fra forder wandring and removing fra the placeis of thair residence; and to command the saidis foull and suspect personis to contene thameselffis in the pairtis and placeis quhilkis ar or salbe appointit to thame, and on nawayis to wander nor pas away quhill be consent of the toun, efter dew tryall, thay be brocht hame agane, under the paine of deid; and to cause the actis and ordinanceis to be appointit and sett doun be thame for this effect ressave dew and full executioun in all pointis, conforme to the tennour thairof: quhairanent thir presentis salbe unto thame ane sufficient warrant and commissioun. And siclyke, to command and chairge the said Schiref to search, and caus diligent search and inquisitioun be maid, within the haill boundis of his office, quhair the saidis foull and suspect personis quhilkis hes wanderit away ar, and to caus thame be apprehendit and examplarlie puneist, to the terrour of utheris. And, becaus it is maist necessar and expedient that the lyk guid ordour be keipit in all pairtis of the cuntrey quhair thair is presentlie or heirefter ony infectioun of the said plague sal happin to be, that thairfoir letters be lykwayis direct chairgeing the schireffis of the schyris, bailleis of baillereis, and provest and bailyeis within burgh, every ane within thair boundis and jurdisdictionis, to appoint and prescryve reullis and ordinanceis anent the keiping of the foull personis fra the clene, appointing of placeis for the residence and remaning of the saidis foull personis, and making of provisioun for thair intertenyment and sustentatioun during the tyme of thair tryall, and to command the saidis foull personis to convene thameselffis in the appointit placeis of thair residence, under the pane of deid, and to put thair saidis actis to dew and full executioun,—quhairanent thir presentis salbe unto thame a warrand. And siclyk, to command and chairge the provest and bailleis of Carraill to tak ordour how thair foull and suspect personis may be intertenyed and stayed fra wandring away, ay and quhill the said Schireff tak forder ordour in the mater, conforme to the chairge foirsaid to be direct to him, as thay will answer to his Majestie and Counsall upoun the dewtifull executioun of thair officeis."

All actions concerning inhabitants of Glasgow to cease during the continuance of the plague.

As the plague "still continewis within the citie of Glasgow and hes spred and daylie brekis up in sindrie pairtis and parochynis of the west cuntrey," all actions and causes concerning any of the inhabitants of Glasgow, raised and depending before the Lords of Secret Council, Session and criminal Courts (except only causes in which pursuers and defenders Page 785.

ta 1601-2. are now waiting in Edinburgh), are to rest till there be new warning by public proclamation on the contrary.

Desertion of a diet before the Privy Council in consequence of the plague.

The King and Council, to prevent "danger of the plague of pestilence within the burgh of Edinburgh be the resort of ony personis to the said burgh quhais residence or remaning is in ony pairt or place ewest to suspect and foull boundis," ordain that all the persons summoned to appear upon 28th instant (*ante*, p. 323) to answer for the "combatt and conflict" which fell out between them and the late Laird of Bargany (except the Earl of Cassillis and his followers, who are already in Edinburgh) shall abide at home, under the highest pain. Publication hereof to be made at the market cross of Edinburgh.

Holyrood-house, 28th January.

Sederunt—Lennox; Cancellarius; Angus; Ergyll; Mar; Linlithgow; Fyvie; Uchiltrie; Newbottle; Roxburgh; Spynie; Master of Elphingstoun; Bishop of Ros; Kinlos; Haliruidhous; Treasurer; Secretary; Justice Clerk; Privy Seal; Advocate; Collector; Comptroller; Sir Patrik Murray; Sir James Sandielandis; Kilsyth; Bruntiland; Elimosinar.

Proclamation against the reset within this realm of any deserters from the service of the English Queen in Ireland.

ge 786. His Majesty being informed that "dyvers wageit souldiouris, als weill Englischmen as of uther nationis, serving his Majesteis darrest suster the Quene of England in the cuntrey of Ireland," are in the habit, after "haveing ressavit thair pay and being enrolled," of breaking "thair aith and law of armes" by stealing away from their Captains, "being speciallie inducit thairto be the favour thay find of his Hienes subjectis, quha maist undeutifullie transportis thame in thair schipis, ressettis and harbouris thame, and schawis thame all uther favour and guid countenance, heichlie to his Majesteis offence, and aganis that brotherlie affectioun quhilk his Hienes caryis, and all guid subjectis aucht to have, to the furtherance of his Hienes said darest susteris honnorable intentioun for repressing of these disloyall subjectis, ennemeis to God and traytouris to the libertie of thair native cuntrey": it is ordered, for remedy, that open proclamation be made at the market crosses of the head burghs, charging the lieges not to receive in their ships or bring from Ireland any of her English Majesty's soldiers without license of their commanders, under pain of confiscation of the vessels and all the moveables of offenders, with punishment of their persons, and also forbidding the reset of such deserters by any within his Majesty's realm, under similar pains. If any of the English Queen's subjects are in quest of the said "fugitive vagaboundis" in any part of this country, then all the officers of the law, as well to burgh as to land, are to pursue the said fugitives within their bounds, apprehend them, and deliver them to such of the said Queen's subjects as may be present, "to be saulflie transportit quhair thay pleis"; and the said officers are also to

ge 787. apprehend all persons bringing any of the said fugitive soldiers within the realm and to present them before the King and Council.

Supplication by the inhabitants of the south and north sides of the

Grant of an impost to the townsmen of Leith for rebuilding their bridge.

town of Leyth within the regality of Brochtoun, as follows:—The brig of Leyth, "quhilk thir mony yeiris bigane hes bene ruynous, and, be stormes and tempestis of wedder, schaikin in the pillaris and pendis of the same," has at last, upon 25th instant, "fallin doun to the ground, sua that now thair is na passage to and fra the south and north sydis of Leith bot in boittis quhen the sey is in, to the grit hurt and prejudice not onlie of the saidis complenaris, the puire inhabitantis of the said toun, bot of all his Hienes subjectis travelland that way." Wherefore, "seing it is ane grit dishonnour to the cuntrey that the said brig, quhilk is in the principall sey port of this realme, sould remaine unbiggit up, and seing the saidis complenaris, inhabitantis of the said toun, hes not moyane of thair awne to big up the same, thay haveing na libertie or privilege of trafficque and exerceis of frie burgessis," they humbly desire an act of Council to be passed in their favour in the matter. Accordingly, the King and Council give power to the petitioners to uplift the following dues for persons or goods passing the said bridge for nine years from the date hereof: viz., each man or woman 1d. (inhabitants of Leith to pay only a penny per day, however often they may cross); each man or woman with a burden 2d.; each horseman 2d.; each horseload 4d.; each cow or ox 2d. The said duties are to be applied wholly in rebuilding and upholding the said bridge; and there is to be power to the petitioners to poind and distrain for the same, they having found caution that they shall "repair the said brig in tymmer wark" in a sufficient manner for men, horses, and loads within 15 days hereof, and that within three years they shall have built it sufficiently in stone. Acta 1601

Charge for assurance between Stewart of Garlies and Murray of Broughton.

There being some variance between Alexander Stewart of Gairleis, Alexander Ahannay of Sorbie, Johnne Ahannay, his son and apparent heir, Johnne Ahannay of Kirkdaill, and Alexander Cunynghame of Powtoun, on the one part, and George Murrray of Brochtoun, on the other part, both parties are to be commanded, under pain of rebellion, to subscribe within six days after the charge, and report, such forms of mutual assurance as shall be presented to them, to endure till 1st January 1603. Page 788

To denounce Elliot of Fallinesk and his son.

Williame Ellot of Fallinesch, and Robert Ellot, his eldest son, having failed to appear this day, as charged, to give their advice for keeping good rule in the Borders, are to be denounced rebels.

Henry Sinclair committed to ward for his part in the abduction of Margaret Carkettle.

Complaint by Henry Sinclar of Quhytkirk, as follows:—He has been put to the horn at the instance of Mr. Thomas Hammiltoun of Drumcairne, advocate, and the late George Carkettle, burgess of Edinburgh, for not answering to a complaint touching the ravishing of Margaret, the said George's daughter (*ante*, p. 189). Now, the complainer "wes nouther upoun the counsall, foirknawlege or devyse of that unhappie crime, and wald never have gevin his consent thairto, nor onnywayis have dippit in sic a mater, sua offensive to God and dishonnorable to his Majestie." On the contrary, he did what he could to procure the said Margaret's liberty, and to dissuade James Hepburne, who was the "principall ravisser," from "forder progres in that wicked deid." The said Margaret Page 789

a 1601-2. and her mother have, by their letter, declared him free from the said crime, and discharged all action against him therefor. And, as for his escheat, which fell in the King's hands by that horning, a gift thereof has already been made by his Majesty, and the Treasurer is satisfied for the same. In these circumstances the complainer pleads that he should be relaxed from the said horning, the rather because he had found caution to answer this day under the pain of 1000 merks.—Charge had been given to the said Advocate, Agnes Mauchane, relict of the said George, Margaret Carkettle, and Archibald Hammiltoun of Bairfut, her spouse, to appear and produce the said letters of horning with a view to their suspension; and now, the complainer and the Advocate appearing, but none of the other defenders, the King and Council, in respect of the "notorietie of the cryme," ordain Sinclar to be committed to ward in Edinburgh Castle, but, because of his present appearance to answer, suspend the said letters of horning.

e 790. Complaint by Johne, Earl of Cassillis, as follows:—Upon 6th December last, while he was coming from his house of Craigneill to the town of Mayboll, accompanied by his household men only, without any kind of armour saving their swords, Hew Kennedy of Bennan, Thomas Kennedy of Drummurchy, Walter Mure of Cloncard, Gilbert Kennedy of Auchinflour, Hector Kennedy in Bargany, Johne M°Alexander in Auchingregar, Thomas and Alexander, his brothers, Thomas Dalrumple, brother of the Laird of Stair, Thomas Wallace, servitor to the Laird of Bargany, Williame Kennedy in Garfor, David Mure in Ballantray, Mure, steward in Astincher, Gilbert Kennedy, servitor to the Laird of Bargany, Symond Gilmour in Air, George Angus there, David Hammiltoun in Air, George M°Almont, son of Gilbert M°Almont there, George Dumbar, brother of the Laird of Enterkyn, James Blair, burgess of Air, Jerome Jamesoun there, Androw Kennedy there, Johne Blair there, Peter Hammiltoun there, Thomas Hill in , Thomas M°Almont in Bennan, Johne Kennedy, smith, in the Holmis, Andro M°Alexander in Auchlowane, Johne Schaw in Fordhous, Alexander Wylie in Ballantray, David Merschell there, Williame Houstoun there, David Mure there, Adame Hog there, Johne Wallace, David M°Kewne, Johne M°Ilmorrow, servitors to the Laird of Bennan, Robert Craufurd in , George Boyd, fisher, and Alexander Kennedy, son of Hew Kennedy in Dangar, having most shamefully conspired the complainer's death, "and being informit be thair moyannaris and agentis, quhome under cullour of freindschip thay inttertenyit about him, that the said complenar wes to tak jorney the day foirsaid," assembled together, all armed with hagbuts, pistolets, muskets, and other weapons, and, after long consultation, "resolvit to ly at await for the said complenar in the hie way at the Kill of Dalgerrak. And, for this effect, thay, about thrie or four hours in the morning, the day foirsaid, convoyit thameselffis to the said Kill, quhilk standis upoun the verie hie way and gaitsyde be the quhilk the said complenar behovit to pas." There they "darnit thameselffis and maid sindrie

To denounce Hew Kennedy and others for not answering to a charge of conspiring the death of the Earl of Cassillis.

murdreis hoillis within the said Kill," upon resolute purpose to have slain complainer while he was passing by it; which they had not failed to do, "wer not thair spyis, quha wer awaiting and attending upoun the feildis, informit thame that the said complenar had riddin throuch the ane uther way; quhairupoun thay ischit out, and upoun horse and fute followit that way be the quhilk thay wer informit the said complenar wes riddin; and sua, be the providence of God, quha is the protector and defendar of the innocentis, he eschaped, and thay wer disapointit of thair foull and detestable conspiracie."—Charge had been given to the said Hew Kennedy, Thomas Kennedy, Thomas Dalrumple, Johne M°Alexander, Thomas and Alexander, his brothers, Thomas Wallace, Johne Kennedy, smith, Thomas M°Almont, Alexander Wylie, Johne M°Ilmorrow, Alexander Kennedy, Gilbert Kennedy, and Thomas Hill in Ballaird, to answer; and now, the complainer appearing by Gilbert Ros, his procurator, but none of the said defenders appearing, the order is to denounce them rebels. Acta 1601. Page 791.

Suspension of horning against John Mure and others for trafficking with the rebels in Ireland.

Complaint by Johne Mure, skipper, Johne Howmill, Mathow Howmill, Duncane M°Ilmertene, Alexander Lowry, Johne Mortoun and Thomas Huchesoun, burgesses of Irwing, as follows:—They are ordained to be put to the horn at the instance of the Treasurer and Advocate for not appearing to be punished for trafficking with the rebels in Ireland, and for supplying them with powder, bullet, and other necessaries, contrary to the acts and proclamations. Now, the complainers were first charged only by open proclamation at the market cross of Irwing, whereas, being but few in number, they could not know of the charge unless cited personally or at their dwelling houses; "and, as for thair personall chairgeing, it could not be, in respect thay wer all the tyme of the said charge, and as yit ar [*sic*], outwith this realme, in the pairtis of Ireland subject to his Hienes obedience, to wit, Craigfergus and dyvers utheris pairtis upoun the revar of Lochpeull," so that they cannot appear till they return from their voyage, or at least till they are summoned upon 60 days' warning, according to the common form. Further, although they are challenged for trafficking with the rebels of Ireland, they have not since the said proclamations "hantit, frequentit, nor usit with ony of the saidis rebellis." Therefore, and because they have now found caution, each in 500 merks, for answering to the said complaint this day, the horning against them should be suspended.—Johne Mure, Johne Howmill, Mathow Howmill, Duncane M°Ilmairtene, Johne Mortoun, and Thomas Huchesoun appearing personally (*sic*), and Alexander Lowrie by his procurator, who produces a certificate, under the subscription of the magistrates and council of Irwing, testifying that Lowrie is still abroad, and Sir George Home and Mr. Thomas Hammiltoun being also present, the Lords suspend the said horning and remit the nullity thereof for decision to the proper judge. Page 792.

Holyrood-house, 31st January.

The divers Acts of Parliament ordaining wapinshawings over all parts of the realm twice a year, and proper armanent of the lieges, having been

a 1601–2. e 793. "altogidder neglectit and misregairdit" in the Highlands, it is ordered that general musters and wapinshawings be made by the inhabitants of those parts, as follows:—the inhabitants of Lennox and other Highland districts belonging to the Duke of Lennox, in presence of the said Duke or his deputes, on the 1st of March next; those of the districts belonging to the Earls of Ergyll, Athoill, and Monteith, and within the stewartries of Stratherne and Monteith, in presence of the Earls of Ergyll and Athoill, and of the Abbot of Incheffray, the Lairds of Tullibairdin and Lundy, each within his own bounds, all upon the same 1st March; Allaster M°Gregour of Glenstra and his whole clan upon the same day; the inhabitants within the highland bounds of the Marquis of Huntley, the Earls of Sutherland and Caithness, and the Lairds of Grant, M°Intosche, Balnagowne, Lord Lovat, the Laird of Foullis, M°Ky, Glengarrie, M°Keinzie, Captain of Clanronnald, M°Connill Duy and M°Rannald, all upon 10th March, in presence of their said masters, chiefs, and chieftains, each within his own bounds. Publication hereof is to be made by open proclamation at the market crosses of Dumbartene, Stirling, Inuerrara, Perth, Invernes and other places needful, with charge to the Duke of Lennox and the other said chiefs to hold the said wapinshawings, enroll the names of all the persons mustered, with the form and manner of their arms, and report the same to his Majesty within days thereafter, under the pains of the said Acts of Parliament.

Act for musters and wapinschawings throughout the Highlands on certain days of next March.

e 794. "Forsameikle as, the Kingis Majesteis darrest suster, the Quene of England, haveing lovinglie intreated his Majestie with the supplie and levey of some Hieland men for the better repressing of the tressonable rebellioun intertenyit aganis hir within the cuntrey of Ireland, and assisted be a nowmer of strangearis quha intendis to mak a conqueis of that land, his Majestie, als weill in regaird of the freindschip and amitie standing betuix his Hienes and his said darrest suster, as of his awne enteres, rycht, and appeirance to that land, hes voluntarlie and willinglie condiscendit to the said supplie, and hes layed the burding of the levying of the men upoun sic of his Majesteis subjectis within the Hielandis as ar of maist powar to furneis thame: viz., upoun the Duke of Lennox, tua hundreth men; upoun the Erll of Erygll and Laird of Glenurquhy, thrie hundreth men; upoun the Erll of Athoill, ane hundreth men; upoun the Laird of M°Gregoun, fyfty men; upoun the Abbot of Inchechaffray, Lairdis of Lundy and Tullibairdin, for Menteith and Stratherne, fyftie men; upoun the Marques of Huntley, ane hundreth men; upoun M°Intosch, ane hundreth men; upoun the Laird of Grant, ane hundreth men; upoun the Laird of Balnagowne, ane hundreth men; upoun the Lord Lovat and Laird of Foullis, ane hundreth men; upoun the Erll of Caithness, ane hundreth men; upoun the Erll of Sutherland and M°Ky, ane hundreth men; upoun Glengarry, ane hundreth men; upoun the Capitane of Clanronnald, tua hundreth men; upoun M°Conill Duy and M°Rannald, ane hundreth men; upoun M°Keinzie, ane hundreth men. And thairfor his Majestie gevis powar and commissioun be thir presentis to the personis abonespecifeit and every

Act for levying men in the Highlands for aid to the Queen of England against the rebels in Ireland.

ane of thame to levy and lift the particular nowmeris abonespecifeit layed upoun every ane of thame, and to appoint and name capitanes and commanderis ouer thame, and to caus stryke drumes and use sic utheris instrumentis as ar accustumat to be usit in thay boundis and cuntreyis for leveying and taking up of men; and, in cais ony within thair boundis and cuntreyis refuissis to be lifted and to enter in this service, with power to the personis respective abonewritten to preis thame, conforme to the ordour, and being anis enrolled to force and compell thame to conforme thamselffis to the ordour to be prescryvit and sett doun to thame. And, to the effect that nane of the personis quha salbe imployit in the service tak occasioun to absent thameselffis upoun feir to be persewit and challengit for ony of thair bigane misdeidis, his Majestie, with avyse of his Counsall, declairis be thir pesentis that they sall not be callit, chairgit, troublit, nor persewit for ony thair bigane attemptis quhatsumever, and that na sic thing salbe layed to thair chairge, bot that this Act salbe a sufficient warrand to thame during the haill tyme of thair being in the said service and for the space of thairefter." Acta 1601-Page 795.

Holyrood-house, 2nd February. [Convention of Estates.]

Sederunt—PRESENTE REGE—Lennox; Chancellor; Angus; Ergyll; Craufurde; Mar; Wintoun. Uchiltrie; Spynie; Fyvie; Roxburgh; Lowdoun; Lundoris; Master of Elphingstoun. Dunkeld; Ros; Haliruidhous; Blantyr; Kinlos; Incheffray. Treasurer; Secretary; Comptroller; Justice Clerk; Advocate; Collector; Privy Seal; Clerk of Register. Tracquair; Sir Robert Melvill; Sir Thomas Erskin; Kilsyith; Sir Patrik Murray; Elimosinar. COMMISSIONERS OF BURGHS:—Alexander Peirsoun, George Heriot, Edinburgh; Patrik Lyoun, Dundee; James Adie, Perth; Robert Jamisoun, Air; Robert Stewart, Lynlythqu; Mr. William Russell, St. Androis; Johnne Wilkie, Hadingtoun.[1] Sederunts, Fol. 34, a.

Absolvitor to Ogilvy of Finlater in the matter of Mistress Christian Douglas.

Charge had been given to Sir Walter Ogilvy of Findlattir to enter before the King and Council Mistress Christeane Dowglas, eldest sister of the late Earl of Buchan (*ante*, p. 313). Parties having been called upon 5th January last, and Mr. Thomas Hammiltoun, King's advocate, having then appeared for his Majesty's interest, and Ogilvy, who was also present, having denied that she had been in his company since the date of the charge, viz., 18th December, but the contrary having been affirmed by the Advocate, this day had been assigned to the Advocate for proof. And now, Sir Walter, appearing by James Lawtie, his procurator, but the Advocate failing to appear, there is decree of absolvitor to Sir Walter.

Suspension of horning against John and Alexander French.

Complaint by Johne Frenche and Alexander Frenche, brothers of the Laird of Thornydykis, that they have been put to the horn at the instance of Mr. Williame Leslie of Civilie for their non-appearance to answer a

[1] There is no mention of this Convention in the printed Acts of Parliament, and no record anywhere of the proceedings.

cta 1601-2. age 796

complaint of having invaded and wounded him. They plead that, as the charge never came to their knowledge, and as they had found caution, each in £100, to answer this day, the said horning should be suspended.—The pursuers appearing, but not the defender, the Lords do suspend the horning.

Sederunt—Lennox; Chancellor; Angus; Mar; Wyntoun; Fyvie; Uchiltrie; Newbottle; Spynie; Roxburgh; Lowdoun; Master of Elphingstoun; Ros; Dunkeld; Kinlos; Haliruidhous; Treasurer; Comptroller; Justice Clerk; Privy Seal; Advocate; Collector; Clericus Registri; Elimosinar; Kilsyth; Tracquair; Bruntisland; Sir Patrik Murray. Holyrood-house, 4th February.

Page 797.

The plague having lately entered Edinburgh, there is order for the Session to rise and for all persons waiting upon it, or having other adoes in Edinburgh (except such as by his Majesty's direction are warded in the said burgh), to pass home as soon as possible, so that the magistrates of the said burgh "may be the mair able to governe the same and use ordinar and lauchfull meanis to stay the course of the said plague." Publication hereof is ordered at the market cross. Sitting of the Session in Edinburgh suspended on account of the plague.

Complaint by Alexander Bane of Logie, heritable proprietor of the Moss of Obstill, as follows:—In July last, Johne Moir M'Eane M'Kin in Culkeinzie, Collene M'Andro M'Challen M'Herik, Donald Bowie (Baine) M'Kin, indwellers in Nowkill, Tailor M'Gilleis (Williame) there, Donald M'Allaster M'Finlay M'Kyn there, Finlay M'Allaster M'Finla M'Kin there, Donald M'Walter Beg there, Alexander Wobster there, and Thomas M'Ferquhar there, with about fifty others, all armed with habershons, pole-axes, swords, bows, arrows, and other weapons, came to the said Moss and destroyed a great part thereof "be casting of fewall, faill, and dovat thairupoun." Afterwards, they came to the said Moss, and, finding there Rory Urquhart, smith, Donald M'Adie in the Mylnetoun of Alves, Donald there, and Johne M'Coull, the pursuer's tenants and servants, winning "fewall, fail, and dovat thairupoun, quhilkis wer castin of thame of befoir," not only violently intromitted with the same, but also cruelly wounded the said poor persons, bound them with fetters and cords, and carried them as captives to their houses, distant from the said Moss one mile, where they detained them all that day and threatened to bereave them of their lives.—The pursuer appearing, but none of the defenders, the order is to denounce them rebels. To denounce John Moir and certain other Highlanders for not answering to a charge of violence and molestation.

Page 798.

Complaint by Johne and Robert Campbellis, sons of Donald Campbell of Dronghie, and Robert Campbell, his servitor, that they have been wrongously put to the horn at the instance of Ludovick, Duke of Lennox, for not answering for the "away-taking of his fischeris nettis and cutting of the remanent thairof." As they were not charged personally or at their houses, but only by open proclamation at the market cross of Dumbartane, notwithstanding that there is as safe access to Suspension of the horning obtained against John, Robert, and Robert Campbell by the Duke of Lennox.

their houses in the country of Ergyll as to any inland part of this realm, and as they have found caution to answer, and also to pay £10 for each of their escheats, fallen by the said horning, if declarator be given against them, they plead that the horning ought to be suspended.—The pursuers appearing, but not the defender, the order is to suspend the horning. Acta 1601 Page 799.

To denounce Mure of Auchindrane and others for not answering to a charge of unlawful convocation in arms and slaughter.

Action at the instance of Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun, King's advocate, to the effect that, upon 11th December last, Johne Mure of Auchindrane, Thomas Kennedy of Drummurchy, Hew Kennedy of Bennan, Walter Mure of Cloncard, Hector Kennedy in Bargany, Johne M^{c}Alexander in Auchingregane, son of Andro M^{c}Alexander in Ballantray, Thomas M^{c}Alexander, his brother, there, James Bannatyne (Bellenden) in Chapeldonane, Johne Cathcairt of Carltoun, Johne Cathcairt, younger of Carltoun, Johne Ecclis of Kildonane, Williame Irwing, Thomas Wallace, servitors to the Laird of Bargany, Johnne M^{c}Alexander of Dalreoch, Thomas Dalrumple, brother of the Laird of Stair and servitor to the good wife of Pinkhill, Gilbert Kennedy in Pynmachir, Gilbert Ramsay, servitor to the Laird of Bargany, Moses Lockhart, brother of the Laird of Bar, David Kennedy in Maxvelstoun, Alexander Kennedy, son of Hew Kennedy in Craigneill and servitor to the Laird of Bargany, Robert Kennedy, servitor to Walter Mure of Cloncard, Martene Wilsoun in Newwark, Robert Campbell in Carmychell, Williame Cauldwoll of Lochirmos, Williame Kennedy in Garfer, Johne Mure of Craigskeane, Johne Mure in Quhytleyis, Robert Wallace of Holmistoun, George Angus, notary in Air, Symone Gilmour there, Peter Hammiltoun there, Andro Kennedy there, Henry Dalrumple there, Hew Kennedy there, James Blair there, Johne Blair there, George Dumbar there, George M^{c}Almont, son to Gilbert M^{c}Almond, there, James Dumbar there, and James Kennedy, cooper, there, with convocation of the lieges, all armed with jacks, corslets, secrets, lances and other weapons, and with muskets, hagbuts, and pistolets, came out of the burgh of Air towards the town of Mayboll, "resolvit and disposit to have attemptit some heich interpryse" against John, Earl of Cassillis, in case they had found him upon the fields; "lyke as, thay persaving the said Erle and some of his freindis and servandis to be upoun the feildis besyd the toun of Mayboll, thay immediatlie sett upoun thame, schot and dischairgit a nowmer of muscattis, hacquebuttis, and pistolettis amang thame, quhairwith thay slew umquhile Spens, maister of houshold to the said Erle, and hurt and woundit sindrie utheris of his servandis."—Charge had been given to the defenders foresaid, except Johne Ecclis and Hew Kennedy in Air, to answer; and now, the pursuers appearing, but none of the said defenders, the order is to denounce the latter rebels. Page 800. Page 801.

Holyrood-house, 5th February.

Sederunt—Chancellor; Ergyll; Angus; Fyvie; Lowdoun; Roxburgh; Blantyre; Haliruidhous; Treasurer; Secretary; Comptroller; Collector; Privy Seal; Advocate; Tracquair; Kilsyth; Sir Patrik Murray; Elimosinar.

cta 1601-2.

As the Act of Convention of Estates requiring parties at feud to submit the same for settlement by arbitration (Acts of Parl. 1598, c. 1, iv. p. 158) has not been obeyed in the quarrel between George, Marquis of Huntly, on the one part, and Archibald, Earl of Ergyll, James, Earl of Murray, Johne, Earl of Mar, and Andro, Lord Stewart of Uchiltrie, on the other part, there is order to charge the Earls of Ergyll, Mar and Murray and Lord Uchiltrie, and the said Earl of Murray's tutors and curators, if he has any, to appear before the King and Council at Striviling upon 12th instant, prepared to subscribe a submission conform to the said Act, under pain of rebellion.

Charge to the Earls of Argyle and Moray, and others, in the matter of their feud with the Marquis of Huntly.

As the "disorderit thevis and lymmaris" of the West March, "being weyreit of the peace, guid reull and quyetnes quhilk hes bene keipit in thay boundis during the office of the present wardane," have now "not onlie schaikin af thair obedience to the said wardane, of plane purpois and intentioun to renew thair bigane wicked and unhappy trade of reif, theft, and maisterfull oppressioun upoun the peceable and guid subjectis of the incuntrey, bot with that thay ar practising to disturb and schaik louse the hail estait of the West Marche, in the setling quhairof his Majestie hes bene sa cairfullie occupyit thir divers yeiris bigane," there is order to charge all earls, lords, barons, substantious feuars and landed gentlemen in Tueddall and the over ward of Cliddisdaill to meet his Majesty at Biggar upon 16th instant, and all such in Nithisdaill and Galloway to meet him at Dumfreis upon 18th instant, well armed and furnished to remain with his Highness for 15 days. There is to be proclamation hereof at the market crosses of the head burghs within the said bounds.

Proclamation of a new raid against disordered persons in the West March.

age 802.

Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun, King's advocate, for his Majesty's interest, as follows:— Upon 11th December last, Johne, Earl of Cassillis, Johne Corrie of Kelwod, Hew Kennedy of Penquhirry, Johne Davidsoun of Pennyglen, Oliver Baird of Culleinzie, Patrik M°Ilveane, elder of Gremmat, Johne M°Ilveane, younger of Gremmat, Hew Kennedy of Garryhorne, called the Goodman of the Balloch, George Fergusoun of Thraif, Alexander Schaw, tutor of Gremmat, Johne Mure of Wodland, Johne Mure of Kingmarloch, Johne Dick of Barbesburie, Hew Kennedy of Dangar, Anthone Kennedy, younger of Barsalloch, Johne Mure, merchant in Mynyboill, Quintene Craufurd, younger of Sillieholl, Johne Kennedy of Smetoun, Williame Kennedy of Turneberry, Johne Campbell in Barnefurd, Johne Smyth, younger, in Cassillis, Johne Calderwode in Gumerstoun, Johne Fultoune in Giltryhill, Johne Fultoune in Mosend, Alexander Baxter, porter, Williame Harlaw, hagbutter, Robert Fultoune in Giltryhill, Johne Fultoune in Bargennoch, David Fultoune, his brother, Thomas Fultoune in Giltrie,

age 803.

Thomas Wode in Cassillis, Quintene Tod in Cassillis, James Davidsoun in Burnemoith, Johne Davidsoun, his son, Johne M°Colme in M°Colmestoun, Johne Malcolme in Blairbony, Johne Bell in M°Colmestoun, Thomas Mortoun in Cassillis, Johne Mortoun, his brother, there, Johne M°Carg there, Johne Smyth in Dalrumpleholme, Williame Huntar

The Treasurer against the Earl of Cassillis and others for unlawful convocation and breach of the peace: Absolvitor to the Earl.

there, James Corry in Bray of Dalrumple, David M^cQuhorter in Batle- Acta 1601.
wand, Williame Campbell in Brae there, Robert Cunynghame in Bateistoun, Johne Smyth in Drumgoblis, Nicoll Bryce in Burnetoun, George Fary in Kirkjardone, Johne Dunsyth in Dalrumple, Henry Huntar in Halfmerkland, Thomas Gray in Drumoir, Gilbert Hendersoun there, Johne Davidsoun there, Alexander M^cNydir there, Hew Hammiltoun, maltman, there, Fergus Strowane there, Johne M^cJerrow there, Thomas Wod in Craigincroy, Donald Logane in Drumoir, Thomas M^cKewrey there, Thomas Brill there, Androw Cauldwoll, hagbutter, Johne Chalmeris in Drimbane, Andro Home in Ladyburne, Johne Hammiltoun, son of Mathow Hammiltoun in Drumbeg, Robert Chalmeris in Turneberry, Johne Egilsem there, Williame Egilseme, his son, there, James Dunlope in Jamestoun, Johne M^cIlmune in Auchinhervie, Patrik , in Barlach, Patrik Huchesoun, merchant, there, Johne Johnestoun, merchant, there, Mathow M^cGowne, merchant, there, Robert Rowane merchant, there, Duncane Denady, merchant, there, Johne Cochrane, merchant, there, Johne M^cColme, merchant, there, James Mure there, Thomas Mure there, David Mure, tailor, there, Johne Mure, tailor, there, Johne Mure, cordiner, there, Thomas M^cWalter there, Thomas M^cWalter, merchant, there, Johne Kennedy, notary, there, Olipher Ros, notary, there, James Kennedy in Lochspallendery, George Wilsoun in Mynyboill, Johne M^cRea, tailor, Johne Ecclis, tailor, there, Johne Gritrig, flesher, there, Charlis Rea, tailor, there, William Mure, tailor, there, Johne M^cClerie, tailor, Gilbert M^cIlweane, flesher, Thomas Gibsoun, smith, there, James Gritrig, flesher, James M^cMurray, flesher, James M^cGraine, falconer, Johne M^cGrane, officer, James M^cCharray, officer, Andro Cochrane there, Hew Betoun, drummer, there, James Richard there, Johne Baird there, James Baird, flesher, George Gibsoun, mason, Johne Myllar, sword-slipper, Robert Myllar, his son, Johne Logie, tailor, Hew Walker, merchant, Hew Gray there, Umphra Stewart, flesher, David M^cAlexander, cordiner, Johne Wallace, smith, Patrik Fergusoun, horner, Johne M^cRicher, tailor, Williame M^cRicher, his son, Gilbert M^cRicher, also his son, Johne M^cRicher, cordiner, there, Hector Ramsay, cordiner, Michaell Slowane, cordiner, Archibald M^cCallone, wright, Johne M^cMurray, cordiner, Gilbert Kennedy, son of Duncane Kennedy, merchant, Gilbert M^cSkynnone, cordiner, Williame Davidsoun, merchant, Johne Young, Johne Duncane, merchant, Andro M^cIlwraith, Johne Mure at the Well there, David M^cIlmond there, Daniell M^cIlmond, his brother, Johne Hog, servitor to Richart Spens, David Gray, servitor to Patrik Rippett, Johne Blair, servitor to Andro Cunynghame, Alexander Forbes there, Johne Girven in Mochrumhill, Johne Ramsay in Lairgis, James M^cGrane there, Gilbert Montgomerie there, Johne M^cGrane there, Hew Kennedy in Drumoir, James Page 804.
Kennedy, his brother, Gilbert M^cGuffok, servitor to Hew Kennedy of Penquhirry, David M^cIlweane, flesher in Mayboll, James Sym, saddler there, Thomas M^cRichie, Andro Moreis, Patrik Moreis, James Kennedy, foster in Dalrumple, Thomas Dick in Craufurdstoun, Johne Dick, his son,

cta 1601-2. Johne Ahannay in Carsingbune, David Campbell in Drumoir, Henry M°Greane in Carsinbune, Johne M°Gerrow in Hoilhous, Robert M°Grew, his son, Robert M°Gerrow, his son, David Craufurd, servitor to the Earl, captain Johne Foster, Mr. Christall Cokburne, Patrik Rippeth (Reidpeth), Quintene Crawfurd, Mr. Williame Boyd, Hew Pinango, Williame Flemyng, Thomas Kennedy, Williame M°Cland, David Girven, James , Andro Cunynghame, David Cathcairt and Arthour Kennedy, all the said Earl's men, tenants, and servants, with convocation of the lieges, to the number of hundred, all armed with jacks, steelbonnets, corslets, and lances, and with hagbuts and pistolets, came out of the town of Mayboll and "lay at await for umquhile Gilbert Kennedy of Bargany, his freindis and servandis, as thay wer comeing the hie way fra the burgh of Air towardis the said Lairdis awne duelling hous, and invadit and persewit thame of thair lyffis, schot and dischairgit a nowmer of hacquebuttis and pistolettis at thame, quhairwith sindrie of the said Laird of Barganyis cumpany wer hurt and woundit, and at that same tyme thay schamefullie, cruellie, and unmercifullie slew the said umquhile Gilbert
'ages 805-6. Kennedy of Bargany."—Charge had been given to the defenders above-written to answer; and now, the pursuers appearing, as also the said Earl, for himself and the other defenders, the Earl produces two commissions subscribed by his Majesty and passed the register and signet: the one, dated 9th July 1601, against Blaquhane, younger, Gervenmains, Hew Kennedy of Bennan, Thomas, his brother, and Walter Mure of Cloncard,—whose names were inserted in the said commission by the King's own hand, "knawing thair misdeidis,"—authorising the said Earl to convocate the lieges and pursue with fire and sword the said persons and to wear hagbuts and pistolets to that effect; the other, dated 21st July 1601, giving power to the said Earl to apprehend Robert Gordoun of Barnerine, Alexander Gordoun of the Hillis, Williame M°Neilie, Alexander M°Kie of Balseir, and Thomas Kennedy of Drummurchy, as suspected guilty of murder and reset of theft. Accordingly, the said Earl "allegit that he had lauchfullie proceidit in the haill actioun abonewritten, quhairupoun he wes accusit,—seing the said Thomas Kennedy of Drummurchy, and the saidis Walter Mure of Cloncard, and dyvers utheris his Majesteis rebellis, upoun quhome the said Erle presentlie producit horning deulie execute and registrat, and quha standis yit at the horne unrelaxt, were present and upoun the grund with the said umquhile Gilbert Kennedy of Bargany the tyme foirsaid, and, the said Erle being in the executioun of his Majesteis commissionis in searching and seiking of the said Thomas and of the remanent personis thairin contenit, all that fell out in that mater wes lauchfull. Quhairunto it wes answerit be the said Mr. Thomas Hammiltoun that the said first commission can be na warrand nor authoritie to the said Erle, becaus that, lang befoir the com-
'age 807. mitting of the crymes abonewrittin quhairupoun he is now accusit, the same commissioun wes dischairgit be his Majestie for the haill personis thairin contenit except young Blairquhane, and lauchfull intimatioun and publicatioun wes maid to the said Erle of the said discharge lang

befoir the said tyme, viz., in the moneth of August last bipast; quhilk the said Advocat referrit to the said Erlis aith. And sua, in respect of that discharge, and that the said Laird of Blaquhane, younger, wes not in cumpany with the said Laird of Bargany the tyme foirsaid, the same commissioun can be na warrand to the said Erle. And, as to the last commissioun, it wes answerit be the said Advocat that the same can be na sufficient warrand to the said Erle, becaus the same commissioun wes not deulie registrat aganis the said Thomas Kennedy of Drummurchy, bot his name insert thairin lang efter the same wes past the register and signet, and thair wes na powar nor licence contenit in the said last commissioun for beiring and weiring of hacquebuttis and pistolettis. And, seing his Majesteis register is the reull be the quhilk the said commissioun sould have bene directit, the same can be na warrand to the said Earl. Unto the quhilk it wes replyit be the said Erle that, albeit the first commissioun wes dischairgit aganis the haill personis contenit thairin except young Blaquhane, yit it stude in full force and effect aganis him, and, he being his Majesteis rebell and continewing disobedient to his Majestie, and being a ordinar hantar and keipar of cumpany with the said Laird of Bargany oftymes of befoir and sensyne, and suspectit to have bene with him that day, he had guid warrand and powar to searche him quhairever he mycht get knawlege of his being. And, as to the said last commissioun, it wes replyit be the said Erle that he had a speciall warrand and directioun fra his Majestie to the keipar of the register to register the said commissioun as it wes producit to the register,—quhilk warrand he producit befoir the saidis Lordis,—sua that it wes lauchfull to him to insert ony names thairin, quha wer rebellis or gilty of sic crymes, in his plesour; and, albeit thair wes na mentioun maid in the last commissioun of hacquebuttis and pistolettis, yit in respect of the first commissioun standing undischairgit as said is, and that the last commissioun gaif him powar to use all weirlyk ingyne quhilk he could devyse for apprehensioun of the personis thairin contenit, the executioun of the same, in forme and maner as it fell out, wes lauchfull. And, forder, it wes replyit be the said Erle that, he being the ordinar judge and magistrat of the cuntrey and not a privat persone, thair sould na sic dischairge have bene purchest quhill first he had bene wairnit to the geving thairof, and that the personis in quhais favour the same wes grantit had gevin thair obedience to his Majestie and purgit thameselffis of the horningis quhilk thay underlay." The Lords of Secret Council find the two commissions abovewritten to be good and effectual, and therefore assoilzie simpliciter the said defenders from the part of the dittay touching the convocation of the lieges, the bearing of fire-arms, and breaking of the King's peace.

Acta 160

Page 808.

Edinburgh, 9th February.

Sederunt—Chancellor; Ergyll; Mar; Fyvie; Treasurer; Secretary; Dunkeld; Ros; Kinlos; Haliruidhous; Blantyr; Collector; Privy Seal; Sir Thomas Erskin; Sir Patrik Murray; Elimosinar; Bruntiland.

Sederunts Fol. 34, b

[No record of proceedings.]

cta 1601-2. age 808.

Charge having been given to Archibald, Earl of Ergyll, James, Earl of Murray, Johne, Earl of Mar, and Andro, Lord Stewart of Uchiltrie, to appear before the King and Council, prepared to submit their feud with George, Marquis of Huntly (*ante*, p. 347), and the Earls of Ergyll and Murray appearing, with Hary, Commendator of Sanctcolmb, but the Earl of Mar and Lord Uchiltrie failing to appear, and the Earl of Murray having excused himself "as not being fullie resolvit in the mater, be ressone of the schortnes of the tyme and chairge gevin to him for this effect, and that he wes not consultit and advysit with his freindis, quhais opinioun he wes to crave and use in this mater," the business is continued to 20th April next, the parties now present promising to keep that day. The Earl of Murray further promises to use the advice of the following, and to advertise them of the matter, and earnestly request them to be present with him the said day: viz., Archibald, Earl of Ergyll, Johne, Earl of Mar, Johne, Earl of Athoill, George, Earl Merschell, Williame, Earl of Mortoun, or Sir George Douglas of Helenehill, his brother, Andro, Lord Stewart of Uchiltrie, Symone, Lord Fraser of Lovat, Walter, Prior of Blantyre, Hary, Commendator of Sanctcolmb, Sir Williame Stewart of Tracquair, Sir Johne Weymis of that Ilk, and Sir Robert Crychtoun of Cluny.

Stirling, 13th February. Charge to the Earls of Argyle and Moray, in order to the removing of their feuds with the Marquis of Huntly.

age 809.

Proclamation ordered at the market crosses of the head burghs discharging all the lieges from eating flesh during the time of Lent this year,—*i.e.*, from "Fastingis evin" next, the 16th instant, to Pasch day,—under the pains contained in the Acts of Parliament, with charge to the provosts and bailies of Edinburgh and all other burghs to see the ordinance enforced.

Holyrood-house, 15th February. Proclamation against eating flesh during Lent.

age 810

The recent proclamations for musters at Biggar and Drumfreis to attend his Majesty to the West March (*ante*, p. 347) having given too short warning for the purpose, so that the forces assembled "wer not a sufficient nowmer to prosequute that service sa substantiouslie as his Majesteis honnour and the suirtie of the cuntrey requyrit," there is order modifying the previous order on the subject as follows:—All earls, lords, barons, and landed gentlemen within the shire of Edinburgh principal and constabulary of Hadingtoun, are to meet his Majesty at Edinburgh upon 22nd February in the morning, thence to accompany him; all such in the shires of Linlithgow, Selkirk, Peiblis, and over ward of Cliddisdaill, at Biggar on the said day; all such in Nithisdaill and Galloway, at Dumfreis upon 24th instant; and all such in the shires of Berwick and Roxburgh are to meet at Peiblis upon 22nd February, and to remain there for farther instructions.

Prorogation of the raid to Dumfries from 18th to 24th February.

age 811.

As Johne, Lord Maxuell, notwithstanding his promise to his Majesty not to repair to Nithisdaill without leave, has not only gone thither, but, accompanied by Maxuell, younger of Tinwall, Robert Maxuell of the Tour, of Bardannach, and Johne Jardane of the Heuch, has passed to Annanderdaill, where they have "committit slauchter" and

Charge to Lord Maxwell and others to answer for misdeeds at Dumfries.

also "tressonablie rased fyre, and done quhat in thame lay to brek his Majesteis peace and schaik louse the haill estait of the west Bordour," there is order to charge the said Lord and his said accomplices to appear before the King and Council at Drumfreis upon 26th instant, under pain of rebellion, to answer to the premisses. Acta 1601

Band by Lord Herries not to harbour Jesuits and to defend and support the minister of Dumfries in his living and in the discipline of the Kirk.

Williame, Lord Herreis, appears and binds himself not to suffer Mr. Johne Hammiltoun, Mr. Gilbert Browne, sometime Abbot of Newabbay, Mr. Alexander M^c^Quhirrie, or any other Jesuit, to be resetted in his house or on his land, but to do his best to apprehend them and present them to his Majesty; also, that he "sall had hand to the ministrie of Drumfreis in all thingis concerning the executioun of the discipline of the Kirk and exercise of the trew religioun, and sall had hand to the guid and dewtifull usage of the said minister, and sall fortefie, mantene and assist him in the peceable bruiking and joysing of his glebe, and sall withstand and resist to his utter powar all trouble, oppressioun, and molestatioun to be intendit aganis the said minister in possessioun of his said glebe": all under the pain of £5000 *toties quoties*.

The Treasurer against Uthrid M^c^Dowall and James Brown for circulating decried money: Decree against Brown.

Action at the instance of Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—Notwithstanding the Act of Convention of Estates published at the market cross of Edinburgh with all solemnity requisite, ordaining that all gold and silver coins in circulation should be brought to the cunyiehouse by 1st January last, and discharging the currency of all gold and silver pieces except the new coins after that date, under pain of confiscation of the same and a fine of £100 from the giver and the receiver of any such pieces (*ante*, p. 285), yet, upon · · February instant, Uthreid M^c^Dowall of Mundork received from M^c^Dowall of Machirmoir £1000 of decried money, and on 9th instant, James Broun, younger, burgess of Edinburgh, delivered to Robert Arnot in the tolbooth of Edinburgh seven decried £5 pieces. These persons, therefore, have incurred the penalties foresaid.—The Treasurer, Uthrid M^c^Dowall, James Broun and Robert Arnot, appearing, and Uthrid having denied receiving any of the decried money from the Laird of Machirmoir, and Broun having confessed the delivery of the said seven £5 pieces to Robert Arnot, as one of the tacksmen of the cunyiehouse, "to be wissillit and not in payment of ony his debtis," and the Treasurer having met this statement of Broun with a direct contradiction, the Lords declare that Broun has violated the said Act, and therefore decern the said seven £5 pieces to be confiscated, and find Broun also to have incurred the said fine of £100. Page 812. Page 813

Holyrood-house, 16th February. Continuation of diet in the case of Campbell of Glenorchy.

Because, on account of the suspicion of the plague in Edinburgh, "his Majesteis Previe Counsall is dissolvit for a certain space and na certantie of thair convening afoir his Majesteis returning fra the Bordouris," the diet appointed to Sir Duncane Campbell of Glenurquhy, and James Campbell, fiar of Laweris, for the entry of Johne Campbell, *alias* M^c^Carlich, Johne Dow Campbell, Duncane Dow M^c^Ilvarich, Patrik Dow

a 1601-2. M^cNab, Finlay Dow M^cIlstalkir and Gib M^cNab, son of the said Patrik Dow, upon 2nd March next, to answer for the "burning allegit committit be thame upoun the Barroun of Carquhyn" (*ante*, p. 316), is continued to 23rd March next.

For the same reason, the action raised by the Laird of Stair against Johne Kennedy of Blaquhane touching the entry of certain persons, his men (*ante*, p. 329), is continued to the same day.

Holyrood, 18th Febr. Kennedy of Blaquhan.

e 814.

Notwithstanding the divers proclamations against shooting with hagbuts and pistolets, his Majesty "is suirlie informit and findis be experience" that, "in thir pairtis quhair his Majestie sometymes repairis to his pastyme," the said proclamations are habitually violated by persons who use the said weapons for shooting wild fowl, so that they are "scarrit and chaissit away, and his Majestie thairby prejudgit of his pastyme." Accordingly, there is order to make new intimation of the former proclamations, with charge to the lieges not to shoot wild fowls "in ony pairt ewest this toun of Biggar," under the penalty of the Acts of Parliament,—"quhilk is the cutting af of the rycht hand." The magistrates of Biggar are "to try quha ar the schuitaris at wyld foullis" and notify their names to his Majesty.

Biggar, 23rd Febr. Proclamation against detriment to his Majesty's sport by illegal shooting of wild fowl about Biggar.

Complaint by James Douglas in Leyth, as follows:—He is charged to pay the Comptroller, within six hours after the charge, under the pain of rebellion, £20 per tun for 22 tuns of wine "allegit run" by him since 19th March. Now, all the wines bought by him before and after the said day extend only to 16 tuns. Of this quantity he sold to Williame, Earl of Mortoun, 3 tuns, to Mr. Richard Douglas 1 tun, and sent to Norway another tun, and he "ran" 5½ tuns long before the said day. For the 10½ tuns thus accounted for he is not chargeable under the Act of Council, where it had been provided that all wines sold in great to noblemen, barons, and gentlemen, for furnishing their own houses, should be free of the said impost, and also that the act should be applicable only to wines "ventit and run in smalls" after the date of the Act (*ante*, p. 291). All the old wines run by him from 19th March have been the remaining 5½ tuns only; for which he has already paid to Robert Arnot £100 and has consigned the balance of £10 for the other half tun in the hands of the Clerk of Council. —The pursuer and Arnot appearing, and the latter having admitted that he had charged Douglas for 22 tuns as "coft" and "rune and ventit" by him since the proclamation of the said Act, the Lords suspend the charge against the complainer for the 5 tuns for which he has already paid £100 to Arnot, and for the rest decern as follows:—"As for ane tune sauld to Mr. Richard Dowglas, and ane uther send to Norway, and als for the impoist of uther fyve tunis and ane half quhilk the said James be his aith declairit wes run befoir ony dischairge gevin, and of the half tune quhairof the impoist extending to ten pundis is consignit in the handis of the Clerk of Counsall: quhilkis the saidis Lordis ordanis to be delyverit

Edinburgh, 23rd February. James Douglas against the Comptroller, claiming exemption from payment of impost on wines.

e 815.

up to the said Robert Arnot, and thairfoir ordanis the effect and execu- Acta 16
tioun of the saidis letters against the said James for the impoist of the saidis threttene tunis of wyne to ceis in all tyme comeing, and hes found the saidis letters ordourlie proceidit aganis the said James, and decernis the same to have effect and to be put to forder executioun in all pointis, ay and quhill the said James Douglas content and pay to the said Robert Arnot the sowme of tuentie pundis as for the impoist of ilk tun of nyne tunes of wyne being run and ventit be him within the space foirsaid."

Holyrood-house, 25th February. Cornelius Cuthbert against Archibald Chirnside for violently taking out of his keeping John Lamb, his nephew, a minor.

Complaint by Cornelius Cuthbert, burgess of Edinburgh, mother-brother Page 81
of Johne Lamb, son of the late Williame Lamb, his Majesty's master-cook, as follows :—After the decease of the said Williame, his relict had married Archibald Chirnesyd; and she and her new husband had "untymouslie and unthriftelie" spent "almaist the haill guidis" left by the said Williame for the weal of his bairns, besides unlawfully disponing of some pensions gifted to the said Williame and his said son by his Majesty "in rememberance of his guid service." The said Johne Lamb, having come now to an age when he is able to judge in some measure of his own affairs, "and persaving how far he had bene hurt and prejudgit be the unnaturall behaviour of his said moder and father-in-law, and being myndit to have chosin curatouris that be thair avyse he mycht have reservit the small remanent of his moyanes left unspendit be his said moder," had, of his own proper motive, and without instigation from the complainer, left his mother and come to the complainer's house for advice. Then the said Archibald Chirnesyd, perceiving that, if the said Johne Lamb chose curators, he would have no farther melling with his goods, came, upon the night of February instant, to the complainer's house, accompanied by five or six persons, and violently took the said Johne furth thereof,—whom he still detains captive, intending to force him to choose such curators as he thinks meet.—Both parties having Page 81
appeared on 23rd February, Chirnesyd, not having then presented Johne Lamb as charged, had been ordained to produce him this day; and now, the said Johne Lamb having been produced, and having, on being asked with whom he liked best to remain, declared that he preferred his said uncle, the Lords give him his option to do so.

The same Chirnside against the same Cuthbert for delivery of certain writs and jewels abstracted by the said nephew from his mother.

Complaint by Marioun Cuthbert, and Archibald Chirnesyd, her spouse, for his interest, as follows :—"Upoun thair grit and large expenssis" they had "educat and brocht up Johne Lamb, sone lauchfull to the said Marioun, at the skuillis and utherwayis, thir nyne or ten yeiris bipast or thairby," till at last, "thay haveing reprovit the said Johne as being absent fra the scuillis thir fyve oulkis last bipast, the samyne laitlie cumming to thair knawlege, quhairat thay wer gritlie offendit,"—the rather because they understood the same to have "cum be the instigatioun of Cornelius Cuthbert, brother to the said Marioun,"—the said Johne, by the special advice of his said uncle, upon 13th instant, at night, "efter that he had tane the key of hir kist fra hir purs," opened the said chest and stole

a 1601–2. her whole evidents, with divers jewels and ornaments, and took the same to the said Cornelius, who resets him and the said writs and articles in his house. The complainers also allege that he "hes fraudfullie destroyit or
ge 818. put the samyne away," so that they are "altogidder wrakit."—Chirnesyde and Cuthbert appearing, and the latter having produced the said writs, conform to the charge given him, the Lords ordain all the writs to be delivered upon inventory to the said Cuthbert, to be kept by him for behoof of the said Johne Lamb.

Dumfries, 28th February. Band for the Lord Herries and others, that they will not assist Lord Maxwell and his rebellious accomplices.

In presence of the King and Council appear Williame, Lord Herreis, Sir Robert Maxuell of Spottis, Edward Maxuell of the Ile, Edward Maxuell of the Hillis, Johne Maxuell of Kirkconnel, Archibald Maxuell of Cowhill, George Maxuell of Drumcoltrane, and Johne Maxuell of Keltoun, and become bound, for themselves and those for whom they are answerable, not to take part with Johne, Lord Maxuell, Williame Maxuell, apparent of Tinwall, Robert Maxuell of the Tour, or any other of the said Lord's rebellious accomplices, and, if the said Lord shall repair to any of their houses, to acquaint his Majesty with the fact as soon as possible,—the said Lord Herries in 5000 merks, Johne Maxuell of Keltoun in 500 merks, and each of the rest in 2000 merks.

Caution for the Master of Herries.

Lord Hereis becomes bound in £5000 for Johne, Master of Hereis, his son, that by 1st March next he shall repair to Mark, Lord of Newbottle,
e 819. and remain with him till relieved by his Majesty.

Dumfries, 2nd March.

Sederunt—Glencairne; Treasurer; Secretary; Haliruidhous; Tracquair; Sir James Sandielandis.

Proclamation against the reset of Mr. John Hamilton and other adversaries to the true religion, and against the spread of Papistical practices in Dumfries, Nithsdale, and Galloway.

His Majesty having "cleirlie tryit be the testimony of honnest and famous personis" that not only is there public harbouring of Mr. Gilbert Broun, sometime abbot of Newabbay, Mr. Johne Hammiltoun, Mr. Alexander M^{c}Quhirry, and other adversaries to the true religion, in the burgh of Drumfreis and other parts of Nithisdaill and Galloway, "bot with that a grit nowmer of personis of all rankis and callingis hes wilfullie imbracit the idoll of the messe and all the supersititioun thairof, and hes maid ane avowed apostacie and defectioun fra God and his trew religioun, and frome his Majestie, quhais authoritie is inseparablie conjoynit with the said trew religioun," it is hereby declared that, "albeit his Majestie, upoun the necessitie of utheris his Hienes grit and wechty effairis, is moved for a tyme to oversie and spair the dew punischment of this heich contempt and offence," yet he "hes promesit and resolvit in the awne tyme to remember thairof" and "exemplarlie to punische" future offenders. Publication of the former proclamation is therefore to be made at the market cross of Drumfreis, with charge to all the lieges not to harbour the said papists, or be present with them at the saying and hearing of mass, or at the using of any "papisticall ceremonyis abolischit, condampnit and forbidden."

Proclamation for giving in complaints before the Privy Council at Dumfries.

Although, on the occasion of his Majesty's journey into these parts to take order with "the grit misreull and unquyetnes of the West Marche," proclamation had been made warning all subjects aggrieved to give in their complaints by this 2nd instant, yet "very few or na complaintis" have been given in. Another proclamation is therefore ordered at the market cross of Drumfreis warning all who have any complaints against any of the Johnestonis, Armestrangis, Bellis, Cairlillis, Irwingis, Batisonis and other "disorderit thevis and lymmaris of this Marche," to have the same ready for presentation by the Master of Requests at 8 o'clock to morrow morning, as also warning all who have any actions to be called this day to have their letters and bills ready to be given in to morrow at the said hour. Acta 160[illegible] Page 820.

Dumfries, 3rd March.

Sederunt—Glencairne; Treasurer; Secretary; Haliruidhous; Tracquair; Sir James Sandielandis.

To denounce James Gibson for not answering to a charge of being art and part in an act of spuilyie.

Complaint by Symone Purdy, messenger, and Robert Phillope, his procurator, as follows:—Upon 26th September last, when the said Symone had denounced at the market cross of Drumfreis James Gibsoun in Glenfrecoch, at the instance of Johne Weir in Abergrene, and was returning from the said burgh, he was pursued by certain persons unknown to him, and reft of his horse, with the saddle and bridle, his purse and other gear. But, upon 2nd October last, Gibsoun, having accidentally met the complainer at the kirk of Kirkbryde, desired him to supersede the registration of the said horning, and promised to cause restore to him the said goods, or else to pay him £40 within six days. It is evident therefore that Gibsoun was the only deviser of the said reif.—The complainer appearing, the defender, for not appearing, is to be denounced rebel. Page 82[illegible]

To denounce Simon and John Carruthers for not answering to a charge of violent possession.

Complaint by Robert M^cBrair of Almegill, as follows:—Conform to a decree of removing obtained by him against the tenants of his lands of Almegill and Halidayhill, he had ejected them from the said lands, when Symone Carrutheris in the Ile, Thomas Carrutheris in Trailtrow, and Johne Carrutheris in Almegill, violently intruded themselves again in the said lands. They have violently withheld the same from him these two years; and, as they are "clannit men," he will have no redress unless Johne Carrutheris of Holmendis, brother of the said Symone and Thomas, and master of the said Johne, and answerable for them, shall enter them before the King and Council.—Charge had been given to the said Symone and Johne to answer to this complaint, and to Carrutheris of Holmendis to enter them; and now, the pursuer and the Laird of Holmendis appearing, the Lords ordain the said Symone and Johne to be denounced for non-appearance. Page 82[illegible]

Band by Lord Maxwell for the better observation of the King's peace.

Johne, Lord Maxuell, for the better assurance of peace in this country by his removing furth thereof, faithfully promises on his honour that, by Thursday next, 4th instant, at 12 o'clock, he shall depart from the burgh of Drumfreis towards the nether ward of Cliddisdaill, and shall remain

1601-2. there and within the barony of Renfrew, and in the company of Johne, Lord Hammiltoun, his father-in-law, and not repair to Nithisdaill, Annanderdaill, or Galloway, without his Majesty's licence. For his Majesty's farther assurance, the Earl of Glencairne, Lord Herys, Johne Maxwell, Master of Hereis, the Lairds of Drumlangrig, Garleis, Lag, Apilgirth, Amisfeild, Edward Maxuell of Hillis, Johne Maxuell of Kirkconnell, Edward Maxwell of Ile, Alexander Maxuell, George Maxuell, and Johne Broun of Land, appear and promise that the said Lord shall keep the said band inviolate, and that, if he break it, they will profess themselves enemies to him, and do their utmost to apprehend him.

To denounce George Douglas for not answering to a charge of abducting William Cubieson.

823. Complaint by Williame Cubiesoun in Glenmuk that James Johnestoun, George Dowglas, servitor to the Laird of Drumlangrig, Thomas Padgen in Sandrum, servitor to the Laird of Closburne, Johne Dowglas in Craigmowan, and David M°Clave, servitor to the Laird of Craigdarroch, with others, armed with jacks, steelbonnets, lances, swords and other weapons, came, upon the night of , to his house in Glenmuk, forcibly broke up the doors thereof, bound him hand and foot, and carried him with them to the house of Catheuch in Liddisdaill, where they have detained him since "in miserable captivitie and thraldome."—Charge had been given to the said Johne Dowglas of Craigmoy and James Johnestoun to answer; and now, the pursuer appearing by his wife, and James Johnestoun being also present, the Lords ordain Dowglas to be denounced for non-appearance. There is caution in £1000 by Robert Dalzell, younger of that Ilk, for the said James, that he shall answer to the said complaint when required upon 15 days' warning.

Dumfries, 7th March.

Sederunt—Glencairne; Haliruidhous; Treasurer; Sir James Sandielandis; Sir Thomas Erskene.[1]

Decree against Maxwell of Ingliston for having contravened an act of caution.

824. Complaint by Sir George Home of Spot, treasurer, that, albeit Alexander Maxuell of Englistoun, as principal, and Johne Redik of Dalbatie, as surety for him, became bound in £2000 that Alexander should be answerable to justice, yet the said principal, having been charged to appear and give his best advice touching the quietness of the country, will not appear unless compelled. The pursuer appearing, but not Maxuell, he and his cautioner are decerned to have contravened their caution and incurred the said pain; for payment of which letters are ordained.

Entry of "Reidcloke."

Sir James Dowglas of Drumlangrig appears and accepts the 23rd instant for the entry of Will Bell, "Reidcloke," to answer to the complaint of the Laird of Closburne.

Dumfries, 8th March. Proclamation of justice courts within the bounds of the Marches in

825. As the principal cause of the "frequent stouthis, reiffis, murthouris, slauchteris, and uther insolenceis" on the Marches is the impunity of the malefactors in late years, "in respect that his Majesteis Justice in proper

[1] In the Book of Sederunts under this date (Fol. 35, a) the Secretary appears in place of Haliruidhous among the Councillors.

October and November next.

person hes not sittin in thir boundis, and the ordinar criminall tryell hes bene neglectit," therefore his Majesty "hes resolvit, in proper persoun, accumpanyed with his Hienes Counsall and the haill officeris of the justiciarie, besydis a substantious force of his guid and loveing subjectis, to pas throw the haill boundis of the saidis Mercheis" and to remain there till they be "settled in peace and obedience." For this purpose, he has appointed his justice courts to be held at Drumfreis upon 1st October next, at Peiblis upon 15th October, at Jedburgh upon 23rd October, and at Hadingtoun upon 2nd November next. Publication accordingly is to be made at the market crosses of the said burghs, with charge to lieges distressed or aggrieved to have their complaints ready for presentation, and also to give up dittay to the clerks of justiciary. Farther, inasmuch as complaints have been "very oft" made against the wardens of the Marches for unfaithful discharge of their offices, his Majesty has appointed 8th September next for the appearance of the three wardens before the Secret Council to give acccunt of their performance, and warns all who have any complaints against them to be present then and give in the same. Acta 16

Laird of Johnstone's band anent the keeping of Torthorwald.

Registration of a band whereby Sir James Johnestoun of Dunskellie becomes bound that, as the King, with advice of the Treasurer, has committed to him the keeping of the place of Torthorwald, he will re-deliver the same to his Highness when required upon 48 hours' warning, and that, during his keeping of the same, he will not reset therein James Dowglas of Torthorwald, under pain of perjury and defamation. Subscribed by Sir James at Lochwod, 8th March, before "Haliruidhous" and "Carmichell."

Holyrood-house, 11th March.

Sederunt—Cancellarius; Newbottle; Thesaurarius; Secretarius; Blantyre; Ros; Collector; Comptroller; Advocate; Clerk of Register; Sir Patrik Murray.

Suspension of horning against John Meldrum.

Complaint by Johne Meldrum, messenger, as follows:—Letters of horning have been ordained against him for his non-appearance to answer a complaint of Williame Cruikschank of Tullymorgoun. Now, when he should have appeared to answer, he was employed by George, Marquis of Huntley, sheriff principal of Aberdene, to collect arrears of the said shire's taxation, and so could not keep the diet. Therefore, and because he had found caution to answer to the complaint upon 9th March, under pain of £40, the said letters should be suspended.—The pursuer appearing, but not the defender, the Lords do suspend the letters. Page 82

Advice of the Council to the Comptroller anent confiscated foreign cloth.

Being consulted by Sir David Murray of Gospertie, comptroller, as to the order to be taken with the foreign cloth imported by merchants in Edinburgh contrary to the Acts of Parliament (*ante*, p. 321), the Lords of Council, in respect "this is the first brek" of the said Acts, advise him to restore to the owners half of the said goods, retaining the other half for his Majesty's use,—but, if this favour be not accepted within 48 hours after intimation, the whole of the said goods to be retained for his Majesty's use.

ta 1601-2. In respect of the deadly feud between Sir James Maxuell of Calderwode and Maxuell of Newwork, there is order to charge both parties to give mutual assurances till 1st March 1603.

ge 828. Complaint by Johne Naper, fiar of Marchinstoun and heritable proprietor of the Schenis, to the effect that the provost and bailies of Edinburgh have, by virtue of a privy warrant granted to them by the Lords of Secret Council, caused build "scheillis and ludgeis to thair seik personis infectit with the pest upoun the said complenaris yairdis of his proper lands of the Schenis and within his awne knawne marcheis sett in thair awne presence," which lands have been occupied by him and his predecessors in the past without any interruption, — the defenders "haveing revin up and teillit thair awne commountie quhairupoun thay wer wont to place the saidis personis infectit with the pest." The magistrates having no right or title to the said lands, and the said warrant being ineffectual by reason the pursuer had not been cited to answer in the matter, he should be allowed to occupy the said lands, conform to his infeftment.—Charge had been given to Niniane M°Morrane, Archibald Adiesoun, Alexander Peirsone, and Cornelius Inglis, bailies of the said burgh, to answer to this complaint. The pursuer appearing, but not the defenders, the Lords of Secret Council, "in consideratioun of the present estait and conditioun of the burgh of Edinburgh, and of the necessitie quhairby the saidis magistratis ar movit to put thair seik and foull personis within the saidis yairdis," ordain the pursuer to suffer them to possess the same for the said use till Candlemas next,—they satisfying the tenants of the said yards according to agreement,—provided always that this possession shall not be hurtful to the complainer's title to the heritable right of the said yards.

The Maxwells of Calderwood and Newark.

Napier of Merchiston against the burgh of Edinburgh for building lodgings on his lands of the Sciennes for the use of the plague-stricken.

ge 897. Considering that "the chairgeis and burdingis of the office of the thesaurarie daylie incressis," and that, though his Highness "for supplie thairof" had appointed £5000 to be paid out of the comptrollery to Sir George Home of Spot, treasurer, "yit, in respect of the present necessitie of the furnesing of thair Majesteis houssis, quhilk mon not be ouersene nor suffer delay, his Majesteis Comptrollar is not able to advance the said sowme; lyke as his Hienes said thesaurar hes willinglie agreit to spair the same, and to await some better occasioun of his supplie"; and seeing further that "his Majestie is lyk to be frustrat of a grit pairt of the rent and proffeit of the cunyiehous, quhilk is a pairt and pertinent of the said thesaurarie, and that be the present infectioun of the pest within the burgh of Edinburgh, quhairthrow the cunyiehous is alreddy in effect idill": his Majesty, with advice of his Council, and consent of the Duke of Lennox and Earl of Mar, collectors of the taxation of 100,000 merks granted in February 1601, assigns to the said Treasurer, "for the help and supplie of his grit and necesser chairgis of his office," the "haill rest" of the said taxation yet unpaid, to be uplifted by him and converted to the use abovewritten, he being accountable to his Majesty for his intromissions.

Assignation to the Treasurer of the unpaid arrears of the taxation of 100,000 merks.

Holyrood-house, 12th March.

Cheyne of Straloch against Baird of Auchmedden for a systematic course of acts of oppression: Decree for the defender, pursuer having failed in his probation.

Complaint by James Cheyne of Pennan, as follows:—(1) In April 1594 Gilbert Baird of Auchmeddan, accompanied by George Baird, his brother, Patrik Baird, Johne Sym, George Thomesoun, James Middletoun, Williame Foirsay, Johne Reid, Johne Baird, James Baird, Williame Burne, Johne Essilmonth, Thomas Scot, Williame Muriesoun, Alexander Baird, Johne Bowie, Johne Broun, Alexander Mitchell, Johne Foirsay, Andro Broun, and Patrik Broun, with others, all armed with hagbuts and pistolets, came to the Moss of Pennan, where the pursuer was causing his servants cast his peats, and there pursued him, and slew the horse on which he was riding. (2) The said Gilbert, in June 1597, accompanied by Johne Keith, fiar of Troup, with "certane notorious murtheraris and tressonable fyre-raiseris," to wit, Johne Bowy, Williame Ros, William Ker, Johne Fraser, Thomas Scot, Alexander Keith, Johne Bruce, George Thomesoun, Ewny , James Baird, George Keyth, Robert Home and others, to the number of 60 persons, all armed with unlawful weapons, came to complainer's place of Pennan, and besieged him and his family therein, shooting hagbuts and pistolets in at the windows and doors. (3) In April 1595, the said Gilbert, finding after many assaults "that he mycht not gett him sua cuttit af," took in company with him one Johne Bowie,—a notorious murderer, who slew Mr. Williame Mure while executing the King's letters,—and harboured him for two years, the two doing all they could during that time to murder complainer. (4) In the month , and year 158 , the said Gilbert, immediately after the "tressonable burning" of the place of Crufie by the said Laird of Troup, came at night, with the said Laird and other "brigantis and lymmaris," to the complainer's place of Pennan, surprised the same, reft his whole moveables therein, and "stoggit the beddis" for his slaughter, "thinking he had bene hid thairin." (5) In the month of and year , the said Gilbert, with Johne Keyth, fiar of Troup, and others, all armed with forbidden weapons, passed to the lands of Fintrey, and murdered Gilbert Kirkpatrik, and thereafter reft from the tenants of the said lands a piece of linen, which they "dowkit and dippit in the said umquhill Gilbertis blude, and affixt and pat up the said bludy claith as ane pensell of victorie upoun the top of the said Laird of Troupis awne house,"—after which the said Gilbert took the committers of the said murder to his own house and harboured them for 15 days,—"only for persuite and rynning of forrowis upoun the said complenar" and his tenants. (6) In the month of 1601, the said Gilbert, with 20 others, all armed in manner foresaid, came to the pursuer's lands of Pennan, houghed of his goods pasturing there, shot hagbuts and pistolets at himself, and "sua feircelie persewit him that at lenth he wes constrainit for his saiftie to flie to the craigis of the sey." (7) Yearly, since 1588, the said Gilbert has caused his shepherds, assisted by 20 brigands and limmers, to drive to the said lands of Pennan and hold thereon all his and his tenants' sheep and cattle, amounting to 3000 head, just as if the lands and grass belonged to himself. (8) The said Gilbert caused 12 others of his men to pass daily on horse and foot

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a 1601-2. in the summer tide through the complainer's corns, consuming and destroying them in great quantity. (9) Upon 15th December last, Gilbert, knowing that the complainer was imprisoned in Edinburgh, came to his lands of Pennan and reft out of his stable his best horse, of gray colour, and assaulted his wife, who thereby "contractit sic a feir that scho pairtit with bairne and lay lang thairefter bedfast." (10) In the month of
e 831. last, Gilbert and his accomplices came to the lands of Pennan, cast down the complainer's marches, and trod down his corns. (11) Upon 10th October last, Gilbert, being advertised that the complainer was upon the lands of Pennan, hounded out George Baird, his brother, Johne Forsyth, Alexander Mitchell, Thomas Brabner, Alexander Watt in Grenedyk, Patrik Will, Thomas West, James Kid, and Archibald Broun, who, all armed with unlawful weapons, waylaid the complainer and cruelly wounded him, especially "in the rycht lug,"—for they "dang doun the same, quhairby sensyne upoun that syde of the heid he is maid sensles and is ane unproffitable member unto him, quhilk may instantlie be verefeit and schawne." (12) In violation of the Acts of Parliament, Gilbert, from the Feast of Whitsunday 1600 to that of 1601, daily resetted in his house Mr. Alexander Leslie of Peill, and, from the month of 1601 to Whitsunday thereafter, Thomas M^cKie, called Mr. Williame Law's son in Fyfe, who are "notorious seminarie preistis," and who said mass in his house and administered the sacraments to him and his wife,—"feinyeand and dissimuland thameselffis to be medicineris and come to cuir the said Gilbertis wyfe of some diseassis."—The pursuer and defender both appear-
e 832. ing, the Lords assoilzie the defender from the articles 1, 4, 6, 7, 8, 9, 10, 11, and from the part of article 12 concerning the reset of Thomas M Kie, and decern him to be quit therefrom in all time coming, because, the said points having been found relevant and admitted to the pursuer's probation, and divers witnesses having been examined, pursuer has failed in proving the same; and they remit the other points of the libel to the Justice for decision.

Dunfermline, 16th March. Precautions against the spread of the plague to Dunfermline.

The King and Council being "suirlie informed that the contagious seikness of the pest daylie spreidis and incressis within the burgh of Edinburgh," his Highness, "cairfull that all ordinar and lauchfull meanis be usit quhilkis, at Godis plesour, may preserve the toun of Dumfermling, being the ordinarie place of the residence of the Quene, his Hienes darrest spous, and of thair Majesteis bairnis, fra the said infectioun," has therefore "thocht meit that all passage at the Quenisferrie and the resett of any fameleis and housholdis within the said toun of Dumfermling be forborne and dischairgit sa lang as ony suspitioun of the said plague remanis within the said burgh of Edinburgh, or ony uther pairt of
e 833. the cuntrey." Accordingly, there is order to charge the boatmen of the Quenisferry, under pain of death, not to transport any persons from the south coast to the north, except the Councillors and such of their Majesties' ordinary domestics as have testimonals of being "voyd and

clene of all suspicioun of the said plague." The provost and bailies of Dumfermling are not to suffer any families to be resetted in the said town while the plague continues, or to permit any persons to be received therein but such as come from unsuspected places. Acta 160

Dundee, 20th March. Proclamation for redress of complaints in Angus and establishment of justice in that district.

"Forsameikle as the Kingis Majestie tuik some pains and travellis, at his last being in the cuntrey of Angus and sensyne, to repres and punische the violent and maisterfull enormiteis and oppressionis quhairwith his Hienes guid subjectis within thir boundis wer distressit and grevit be a nowmer of wicked and insolent personis, of quhome some hes been apprehendit and underlyne thair deservit punischment, yit, becaus the occasioun presentit not to his Majestie at that tyme to remaine sa lang in thir boundis as the setling of the same under his Hienes peace and obedience to his Majesteis lawis requyrit, his Majestie thairfoir resolvit and promeist to returne and cum bak againe in this present seasone, and to remaine in thir boundis quhill the enormiteis and insolenceis quhilkis hes ben sa frequent and commoun within the same be repressit, and the contempt of the law be horning and uthirwayis be abolischeit, sua that his Hienes peceable and guid subjectis may heirefter repois in suirtie of thair lyveis and guidis, and that his Majesteis lawis may ressave the awne force and executioun. And thairfoir his Majestie ordanis officiaris of armes to pas to the mercat croceis of Dundie, Forfar, Brechin and Montrois, and thair be oppin proclamatioun to wairne all his Majesteis subjectis quha hes ony complaintis to mak, outher upoun reiff, stouth, maisterfull and violent oppressionis, or upoun the contempt of his Majesteis lawis be horningis, deforcementis or utherwyse, that thay gif in thair complaintis to the clerkis to be presentit to his Majestie with all diligence, and thay sal have justice ministrat unto thame as accordis, and that sic personis as for feir of the pairtie dar not mak thair complaintis, that thay quyetlie informe his Majestie, some of his Counsall or domesticquis, of thair saidis complaintis, and thay salbe accordinglie tane ordour with, to thair contentment and satisfactioun."

Brechin, 24th March.

Sederunt—PRESENTE REGE—Lennox; Ergyll; Mar; Glencairne; Fyvie; Treasurer; Kinlos; Sir Thomas Erskene.

Campbell of Glenorchy enters certain persons.

Sir Duncane Campbell of Glenurquhy, appearing, and having entered Johne Dow Campbell, Johne Campbell *alias* M°Tarlich, Duncane Dow M°Ilvarich, Patrik Dow M°Nab, Finlay Dow M°Ilstalkir, and Gib M°Nab, son of the said Patrik, conform to the act of caution by him and James Campbell, fiar of Laweris, protests that he shall be relieved of the said act; and the Lords admit the protest. Page 834.

Brechin, 25th March. To denounce Lord Forbes, Forbes of

Complaint by Sir David Wode of Craig, as follows:—Upon 4th October last, Johne Dow Lairie in Glengarrie, Allaster M°Gregour, Thomas Neilson's son there, Duncane Lyach there, all men of John, Lord Forbes,

ta 1601-2. Allaster M°Gregour in Coroull, James M°Comes, officer to Johne Forbes of Towy, Allaster, Robert M°Quhirrie's son, his neighbour, James Mowgan, all the said Laird of Towy's men, Williame Gordoun, and Donald Gordoun, his brother, dwelling in Glenmuk, the Baron of Brachlie's men, George M°Condochy's son in Stradie, and M°Condochy, his brother, Forbes of Brux's men, Finlay, Johne M°Inroy's son in Ratnaman, Donald M°Morie's son there, brother of the said Finlay, and Johne Dow M°Innoir, Johne Forbes of Freuchie's men, and James Forbes of Bedmaky, all armed with unlawful weapons, came at night to the pursuer's lands of Glenfarquhar and reft from him and his poor tenants thereof six score nolt, twelve score sheep, and two mares, and drove the same to the said Lord Forbes's lands of , where they disponed thereof as they pleased. As the said malefactors are not answerable to the laws, it is necessary that their said masters should enter them with a view to their punishment. ge 835. —The pursuer appearing, but Lord Forbes, Forbes of Towy, and Gordoun of Brachlie, making no appearance, and not having entered the said offenders as charged, the order is to denounce the said lairds.

Towie, and Gordon of Brackley, for not entering certain of their men sued for reif.

Complaint by Alexander, James, and Alexander Elschinderis, brothers of the late David Alschinder in Fettircairne, that, upon 5th instant, Williame Brabner in Fettircairne most shamefully slew the said David, and, after committing the deed, "fled with the bludy hand" to the dwelling-house of Alexander Lindsay of Bordland, where he was resetted "dyvers dayis and nychtis."—James and Alexander appearing for the pursuit, and Lindsay of Bordland being also present, the Lords assoilzie ge 836. Lindsay, because Brabner had remained in his house only on the night when the deceased "wes hurt," and had departed in the morning without acquainting Lindsay with what had happened.

Alexander Alshender and others against Lindsay of Bordland for resetting a murderer.

Complaint by David Allane in Wester Town of Rossy, as follows :— Upon instant, the Master of Oliphant, and Alexander Jamesoun in Newtoun of Lownane, Walter Jamesoun, his son, Wallis, servitor to James Young, all the said Master's men, with others, came to the pursuer's house while he himself was absent, and reft a black cow with calf, worth £24, and drove the same to the said Alexander's house, where she was resetted that night, and thence to the said Master's own house at Petnepy. On the pursuer's returning home he sought redress of the said Master, who swore that, "gif he preissit ony forder to seik redres," he would bereave him of his life.—Charge had been given to the said Alexander and Walter, and to James Huchesoun, servitor to Young, to answer to this complaint; and now, the complainer and Alexander ge 837. appearing, Walter and James are to be denounced for non-appearance.

To denounce Walter Jamieson and James Hucheon for not answering to a charge of reif.

In respect of the deadly feud between Sir James Maxuell of Calderwode and his men, on the one part, and Walter Lekky of that Ilk, James Cunynghame of Glengarnok, and Patrik Maxuell of Newwork, and their men, on the other part, both parties are to be charged to subscribe, within 24 hours after the charge, under pain of rebellion, assurances to one another, to endure till 1st March 1603.

Brechin, 27th March. Charge to Maxwell of Calderwood, Leckie of that Ilk, and others.

Brechin, 4th April. To denounce Hamilton of Libberton and others for not answering to a charge of deforcement of James Lennox, messenger.

Complaint by James Lennox, messenger, as follows:—Having, upon 27th January, been "directit, be vertew of letters of horning in all the four formes raised at the instance of Williame Erskene, for chairgeing of Sir James Hamiltoun of Libertoun, knicht, to have obeyit and fulfillit ane decreit obtenit be the said Williame aganis him befoir the Lordis of Counsall and Sessioun," and having there and then "personallie apprehendit the said Sir James for the first chairge," he had, "efter the expyring of the space thairof, upoun the last day of Januar last bipast, past againe to have chairgit the said Sir James as for the second chairge, conform to the ordour." But Sir James, having been forewarned of his coming, had sent Robert Fairlie and James Meikle, his servants, Williame Frame in Evindaill, James Claper, tailor, there, Johne Merschell, bailie, there, with others, all armed with long staves, halberts and lances; "quha lay darnit in the said messengeris hie way, and, persaveing him cumand to the said Sir James place, mett him and kaist doun the pointis of thair stalffis and lanceis," avowing that, if he came any farther, they would run him through the body. Indeed, "with the blunt endis thairof" they struck him and his witnesses, so that, for fear of their lives, they were constrained to leave off the execution of their office.—Charge had been given to the said defenders, except Robert Fairlie and James Claper, to answer; and now, the pursuer appearing, but none of the said defenders, the order is to denounce them rebels. Acta 1601-

Page 838.

To denounce Hamilton of Libberton and others on another charge.

Complaint by Johne, Earl of Mar, as follows:—Being heritably infeft in the lands and lordship of Sommervell, and especially in the lands and barony of Carnewath, he has been in the peaceable possession of the Mains of the said barony till March last, when James Hammiltoun of Libertoun, elder, and James Hammiltoun, his son, younger, accompanied by Johne Hammiltoun, *alias* the Page, Androw Hammiltoun, son of Mathow Hammiltoun, officer of Straevin, Alexander Murray, servitor to the said James, younger, and James Murray, son of Williame Murray in Libertoun, all armed with jacks, steelbonnets, swords, hagbuts and pistolets, came to the said Mains, which his servants were tilling "with his awne streikit pleuch," and there barbarously houghed his oxen, broke the plough in pieces, assaulted his servants, and would have slain them had they not fled.—The pursuer appearing, but none of the defenders, the order is to denounce them rebels.

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Brechin, 6th April.

Sederunt—Cancellarius; Home; Thesaurarius; Brechin; Inchechaffray; Elimosinar.

To denounce a number of persons in Forfarshire for not answering to a charge of remaining at the horn.

Action at the instance of Sir George Home of Spot, treasurer, as follows:—Mr. David Ogilvy, son of Lord Ogilvy, James Keith in Garvett, Johne Arbuthnot, burgess of Montrois, Mr. Thomas Montgomerie there, Thomas Murray there, Niniane Hill there, Alexander Erskene there, Mr Alexander Inglis, minister at Lownane, Johne Jonkene in Corstoun, Patrik Rossie, fiar of that Ilk, Johne Barclay at Mariekirk, David Simsone in

a 1601-2. Balgayis, Johne West there, Andro Gray of Dunynab, Mr. David Guthrie, chamberlain of Arbroith, and Alexander, Bishop of Brechin, though all registered at the horn in the sheriff-court books of Forfar, continue unrelaxed, repairing to all parts of the country and enjoying their lands
e 840. and living as if they were free subjects.—David Simsone, Johne West, Mr. Alexander Inglis, Patrik Rossy, and Mr David Guthrie, appearing, their case is continued to 8th instant; but, the other defenders not appearing, the order is to denounce them rebels, with charge to the Sheriff of Forfar and the provost and bailies of Monrois, after the said denunciation, to apprehend them, take their houses, remove them and their families furth thereof, make inventory of their goods, and report the same to the Treasurer.

No suspension to be granted of the charges to buy arms from Balfour of Burley without consignation of the money.

Supplication by Sir Micchell Balfour of Burley, as follows:—"Upoun a speciall respect and regaird quhilk he had to his Majesteis honnour and to the commoneweill of this realme," he had undertaken to import armour for furnishing the lieges "for defence of the cuntrey" after the Commissioners of the Burghs had "altogidder refuisit" to do so (Acts of Parl. 1599, iv. pp. 190, 191, and *ante*, pp. 18, 63), and his Majesty and the Estates had promised him that all the subjects should be compelled to buy arms from him as prescribed in their Act. Accordingly, having "amassit togidder a grit sowme of money," he had gone to Flanders, and brought home thence a great quantity of arms; but, though he had charged certain inhabitants of the shires of Edinburgh, Hadingtoun and Linlithgow to buy from him certain arms conform to the said Act, most of them had, upon frivolous reasons, obtained suspensions, and so the said arms
e 841. are still on his hands. He therefore humbly prays redress.—The King and Council declare that no suspensions shall be granted to any persons charged to buy the legal outfit without consignation of the price thereof as contained in the Act of Council.

Brechin, 7th April. Charge to Gordon of Lochinvar, Stewart of Garlies, and others, continued.

Although the 22nd instant had been appointed to Sir Johne Gordoun of Lochinvar and Sir Robert Gordoun of Glen, on the one part, and to Alexander Stewart of Gairleis, Sir Johne Vaus of Longcastell, and Mathow Stewart of Dunduff, on the other part, for submitting their feud to arbitration, conform to the Act of Estates (1598, c 1. iv. p. 158), yet, "in respect of mony utheris grit and wechtie materis quhilkis his Hienes hes appointit to be handlit at that tyme, and that his Majesteis lasour can not then be spairit to put that mater to a ppoint," the said diet is now continued, and the parties are to be warned to appear in Edinburgh on 11th May next.

Brechin, 8th April.

Sederunt—Ut in die predicto.

To denounce William Brebner on a charge of slaughter.

Charge having beengiven by James and Alexander Elschinderis, brothers of the late David Elschinder in Fettircairne, to Williame Braidmuir [? Braibnar] in Fettircairne, to answer this day for the slaughter of the said

David (*ante*, p. 363), under pain of rebellion, and the pursuers now appearing, but not the said Williame, the order is to denounce him rebel. Acta 160

Protest by James Forret, bailie of Glasgow.

James Forrett, bailie of Glasgow, appears and gives in a copy of the letters raised by Johne Stark, merchant in Glasgow, charging him to answer this day for having put locks upon Stark's merchant-booth in the said city, debarred him from intromitting with the wares therein, and kept him in ward till he paid £20 for his relief.—Stark not appearing, Forrett protests that he shall not be held to answer farther till newly warned. The Lords admit the protest, and fix £30 as the sum to be paid by Stark to Forrett for his expenses. Page 842

Charge to John Lyon and a number of other unrelaxed rebels to enter in ward in the burgh of Montrose.

Johne Lyoun in Kynnaltie, Williame Rynd of Kers, Thomas Wentoun of Strikmertyne, Alexander Lawder of Umoquhy, Robert Smyth in Inglistoun, George Watsoun there, Johne Quhyt there, James Tyrie there, Johne Piggot, spouse of Margaret Gibsoun, Jedeone Guthrie in Forfar, David Lindsay of Vayne and David Deuchar of that Ilk, being registered at the horn and having remained thereat unrelaxed, are to be charged to enter in ward in the burgh of Monrois by 9th instant at 12 hours at noon, and remain there till they relieve themselves and satisfy the Treasurer for their escheats. They are to report to the Treasurer, under pain of rebellion, a certificate from the magistrates of Monrois testifying their entry.

Montrose, 13th April. Charge to the Marquis of Huntly to enter certain Papists' still at large in the north.

Notwithstanding the commission given to George, Marquis of Huntley, lieutenant and justice in the north, to apprehend Johne Gordoun of Newtoun, Gordoun of Abiryeldy, Patrik Buttir of Marytoun, Mr. Alexander Leslie of Peill, Johne Cheyne, uncle of the Laird of Essilmonth, George Gordoun, fiar of Geycht, and Patrik Mortymer, servitor to the said Marquis, excommunicated papists, and Mr. Alexander Meldrum, Jesuit, and to bring them to the burgh of Aberdene, where they "mycht have had conference and ressoning with the ministrie to have bene resolvit in sic pointis of thair religioun quhairof they stud in doubt," and further, "in cais thay had not satisfeit the Kirk betuix and the first day of Aprile instant," then to "put thame furth of this realme," the said persons have not purged themselves of the excommunication under which they lie, but still remain in this country, practising against the true religion. There is to be order therefore to the Marquis to present them before the King and Council upon , under pain of rebellion. Page 843

To denounce William and James Cochrane for not answering to a charge of deforcing a messenger.

Complaint by James Winrhame, agent to the magistrates of the whole of the free burghs of this realm, and Gabriell Forrest, messenger, to the effect that, while the said Gabriell was executing, at the instance of the said James, letters of treason against Williame and James Cochranes, rebels, upon 13th September last, the said rebels put violent hands in the messenger and would have taken the letters from him if Thomas Skrimgeour, one of the said officer's witnesses, had not stayed them.—The pursuers appearing by James Mairtene, their procurator, the defenders are to be denounced for non-appearance. Page 844

16 1-2. Order to Williame Gray of Inchesture, sheriff-depute of Forfar, to put Johne Low and his spouse to the knowledge of an assize, at the burgh of Monrois, upon 16th instant. Alexander, Bishop of Brechin, Robert Grhame of Hadderwik, Andro Batie, burgess of Monrois, and Robert Keyth there, are nominated assessors to the said Sheriff-depute, to aid him with their advice. The said Sheriff-depute is to command the council of Monrois to enter the said Johne before him in the tolbooth of Montrois, and to charge the inhabitants of the town to assist him at their uttermost charge and peril.

Brechin, 15th April. Direction to the sheriff-depute of Forfar for the trial of John Low and his spouse.

Mr. Arthour Erskene, bailie of Monrois, having been called before the King and Council for his wilful refusal to deliver the said Johne Low to the said Sheriff-depute to be tried for certain crimes of which he is suspected, and being now present, and confessing his offence and submitting himself in the King's will, is ordained to enter in ward in the burgh
845. of Dundie within 24 hours hereof, under pain of rebellion. And, "his Majestie being cairfull that the burgh of Monrois be not destitute of governement be the present wairding of the said baillie, seing the uther baillie is presentlie furth of this realme in his lauchfull trade," the Council of the said burgh is required to undertake the administration thereof, with the striot custody of all persons warded in their tolbooth.

Mr. Arthur Erskine, bailie of Montrose, committed to ward for disobedience.

Complaint by Williame Bellie, burgess of Forfar, that, upon 8th March last, Johne Lindsay of Evillik, accompanied by David Lindsay and David Gray, his servants, came to the barnyard of Alexander Bane in Lekoquhy, and spuilyied furth thereof, and carried to his own dwelling-house, a stack of oats, amounting to 14 bolls of victual with the fodder, which complainer had bought from the said Alexander.—Both parties appearing, the Lords assoilzie the defender, because the said corns belonged to defender's own tenants, and were lawfully arrested at his instance.

William Bellie against John Lindsay, for spuilyie of corns.

846. His Majesty having dispensed with all acts whereby Patrik, Lord Glamis, has found caution either to pursue David, Earl of Crawfurd, criminally for the slaughter of his father, or else to submit the feud standing between them to arbitration, and failing thereof to go abroad, the said Lord Glammis becomes bound, as principal, and Sir Johne Murray of Tullibairne, as surety for him, in 10,000 merks, that either by 15th July next he shall pursue the said Earl before the Justice for the said slaughter, or shall appear before his Highness the said day and declare what "forme of tryall and purgatioun he will crave to be usit in that mater."

Brechin, 19th April. Act anent Lord Glammis and the slaughter of his father.

Complaint by Richard Smyth, as follows:—Patrik Bruce of Fingask has this long time past oppressed the complainer and his family in the possession of his lands, by casting down his houses, eating his corns, cutting his hemp, lint, and fruit trees, and demolishing his marches. Thus, upon 23rd July 1601, he sent out his brothers and others, to the number of twelve persons, all armed, to the complainer's dwelling-house; who, finding complainer sitting therein, "not able to gang nor stand be ressone

Brechin, 20th April. Richard Smith against Bruce of Fingask, for divers acts of oppression.

of his incurable disease," and having "nathar reuth nor compassioun," Acta 160
cruelly hurt and wounded him, his wife, bairns, and brother, in divers parts of their bodies, and at the same time reft from him five oxen, two kye, two horses, six firlots of oats, and 24 ells of linen cloth. Again, upon 24th January last, the said Patrik and others, all armed, came to the lands of Over Fingask, where complainer's plough was "streikit and gangand," tilling part of the said lands, and broke the same, reft furth thereof two horses, destroyed his harrows, and "skaillit and drownit his haill quheit quhilk wes standand upoun the ground." Further, the said Page 847
Patrik, with his accomplices, "daylie persewis" the complainer and his servants with hagbuts and pistolets, so that they dare not repair to kirk or market.—Both parties appearing, the Lords assoilzie the defender, because, the points of the libel having been referred to the pursuer's probation, and divers witnesses having been examined, he has failed in his proof.

James Clark against John Langwill, for injury done to his corns.

Complaint by James Clerk, burgess of Brechin, that, upon 31st August 1595, Johne Langwill, officer to Johne, Earl of Mar, came to an acre of the pursuer's land where his corns were standing, "and thair, without respect or regaird had be him to the grit dearth and scairsitie of victuell quhairwith this cuntrey wes usit that yeir, he kaist the said complenaris cornes in heapis, delt ane pairt thairof, and held the rest on the ground quhill it rottit."—Both parties being present, the Lords assoilzie Page 848
the defender, because he has declared by his great oath that the complaint is not true.

John Clerk against Cumming of Culter, for ejecting him from his tenancy.

Complaint by Johne Clerk of the Mill of the Barony, as follows:—He is kindly tenant to Alexander Cumyng of Culter of four oxengang of land of the half mill and mill lands of Tulliboye, and has paid the said Alexander the maill and duty thereof. But, though there are certain years of his tack yet to run, the said Alexander, without any decree or sentence pronounced against complainer, ejected him furth of his said lands at Whitsunday last, and intruded therein another tenant. At the same time Johne Snawdoun reft from complainer "ane almerie, tua lokkit kistis, tua standis and bowis," to the utter wreck of him, his poor wife and bairns.—The pursuer appearing by Issobell Spenser, his spouse, and defender having produced an instrument, dated 11th June 1600, under the signet and subscriptions of Robert Davidsoun and George Barrone, notaries public, bearing that the said Johne Clerk, of his own free will, renounced all his right to the shadow half town and lands of the mill of the Barony, with the mill lands, multures and sequels thereof, in favour of the said Alexander, the Lords assoilzie the defender. Page 849

Suspension of letters of horning against Gordon of Brackley.

Complaint by Williame Gordoun of Brachlie, as follows:—Upon 25th March last, letters of horning were decerned against him at the instance of Sir David Wode of Craig for his non-entry of Williame and Donald Gordonis in Glenmuke, alleged to be his men, to answer for their away-taking from Wode of certain goods. Now, the day appointed for their entry was 18th March last (*ante*, p. 363), on which day complainer came

1601-2. to the town of Brechin, where he had been ordained to appear, and there remained that day and the next, ready to answer. Then, finding that the King and Council were not come to Brechin, and understanding that all diets before the Secret Council were peremptory, he had departed home, trusting that no proceedings would be taken against him till he were again warned; otherwise he would have remained and shown that he was not answerable for the said persons by the general band. Therefore, and because he has found caution to appear and enter the said persons if it be found that he ought, the said letters should be suspended.—Both
850. parties appearing, the Lords do suspend the said letters.

David Bell against Mr. Walter Lindsay.

Complaint by David Bell in Craigfuthie, in Fyffe, as follows:—Ten years ago, just before Mr. Walter Lindsay of Balgayis went abroad, the said Mr. Walter and others came to Craigfuthie, then occupied by complainer, and spuilyied from him eight oxen and two horses. To escape prosecution, the said Mr. Walter agreed, in presence of Robert Wodderburne, notary, to give complainer £80, offering him security meanwhile for payment of the said sum and receiving in return a discharge for the said spuilyie. But, "becaus the said notar mycht not waik at that present," the matter "wes continewit," and Lindsay was compelled to go abroad. Since his return he has given complainer a boll of bear at the last bear seed time, in part payment of the said debt, but refuses to pay the rest.—Both parties appearing, the Lords remit the matter to the judge ordinary.

Walter Wood against Wood of Balbegno for not allowing him to intromit with his corns.

Complaint by Walter Wode, burgess of Monrois, that, having put his whole corns which grew last year on the lands of Balmakewne, amounting to about twelve score bolls, in the barnyard of Over Balmakewne, he is debarred by Walter Wode of Balbegno from intromitting with the same, although he has loosed the arrestment of them made by the said Laird.—
851. Both parties appearing, the Lords ordain defender to permit pursuer to intromit with the said corns, because Williame Barclay, burgess of Monrois, has become bound as surety for the complainer, in conjunction with Johne Stewart of Inchebrek, who was surety before, that the said corns shall be forthcoming to the defender for payment of the maills due to him by the pursuer.

Commissary of Inverness against a number of Highlanders for spuilyie, fire-raising, and slaughters: The criminals ordered to be denounced for non-appearance.

Complaint by Johne Campbell, commissary of Invernes, as follows:—Upon 26th February last, Donnald Glas M^{c}Rannald, brother of Alexander M^{c}Rannald of Gargavach, Ronnald M^{c}Rannald, also his brother, Allaster M^{c}Eane V^{c}Innes, Johne, Angus, Donnald and Ronnald, his sons, Gorie M^{c}Allaster V^{c}Gorie, Allaster, his brother, Johne Dow M^{c}Conill V^{c}Ronnald, Allane and Angus, his brothers, Gillespik M^{c}Eane V^{c}Conill, Williame and Angus, his brothers, William M^{c}Conill V^{c}Gorie, Gorie and Angus, his brothers, Johne M^{c}Eane V^{c}Finlay Roy, Ewne M^{c}Finlay Roy, his brother (? his son), Johne Dow V^{c}Conill V^{c}Innes, Johne M^{c}Innes V^{c}Connachie, Paull M^{c}Connachie V^{c}Innes, his son, Farquhar Dow M^{c}Conill V^{c}Farquhar, Allaster Dow, his brother, Gilliechallum M^{c}Farquhar V^{c}Conill V^{c}Farquhar, son of the said Farquhar, Donnald M^{c}Innes V^{c}Eane Dowy, Gillespik M^{c}Innes, his brother, Donald Moir M^{c}Eane V^{c}Conill, Allaster

CENTRAL

M°Eane V°Fer Innes, Angus and Allaster M°Allasteris, his sons, Robert Acta 16
M°Conill V°Robert, Allaster and Angus M°Robertis, his sons, Johne Dow M°Conill V°Neill, Johne Dow M°Eane Dowy V°Conill, his son, Angus, Donnald and Johne M°Allasteris V°Gillespikis, Donald M°Fer Phillope, Johne M°Ago V°Gowne, Ewne M°Ago, his brother, Finlay M°Williame Dowy (? Roy), Johne Owir M°Conill V°Innes Weill, Angus Reoch M°Conill V°Innes, his brother, Angus Reoch M°Eane Dowy V°Innes Weill, Tarloch M°Eane Dowy, his brother, Dowgall M°Rory, Allaster M°Dowgall V°Rory, Dowgall (? Johne) Oig, his brother, Donald M°Innes Weill (? V°Conill), Angus Gar M°Glassarich, Allaster Roy M°Innes V°Conill, Johne M°Gillandreis V°Layne, Donald M°Conchy V°Conill V°Innes, Johne M°Conill V°Intagart, Allaster M°Rorie V°Intagirt, Johne M°Farquhar Doy V°Lane Vane, Gillichallum M°Farquhar Doy, his brother, Neill M°Gillechallum V°Eane Dowy, Johne M°Dowgall V°Rory, Donald M°Conill (? M°Lauchlane) V°Vane, Lauchlane M°Tarlich, Dun- Page 85
cane (? Donnald) M°Conill V°Gorrie, Soyrle Moir M°Gillichallum, James M°Ago V°Gowne, and Williame Dow M°Eane Inche, with others, to the number of 60, all thieves and sorners of Clans, and all by the causing of the said Alexander M°Ronnald, came, armed with bows, habershons, two-handed swords, and with hagbuts and pistolets, to the complainer's lands and houses of Moy, in fair daylight, and divided themselves into two companies, for purposes of outrage. One of the companies remained at the pursuer's own place, "quhar thay tressonablie and awfullie raised fyre, brunt and destroyit his haill houssis," consisting of a hall, two chambers, a kitchen, a stable and a barn, with some other offices, and also the whole corns in the barn and barnyard, extending to two great stacks of oats, a stack of wheat and a great stack of bear, besides the spuilyie of his whole insight and plenishings within the said houses. The other company passed to the houses of the late James Buchane, pursuer's tenant, which they first spuilyied and then treasonably burnt; and, moreover, they took the said late James, Patrik Buchane, his son, and Robert Andersone, his servant, and, "haveing maist schamefullie, cruellie and barbarouslie cuttit of thair legis and armes and utherwayis dismemberit thame at thair plesour, thay kaist thame quick in the fyre and thair brunt thame within the saidis houssis." At their departing they reft 20 oxen and three score sheep belonging to the complainer, and "wrakit and herryit his haill puire tennentis within the said toun; the lyk of quhilk barbarous and beistlie crueltie, committit sa fer within the incuntrey, hes semdle bene hard of."—Charge had been given to the defenders to answer this day; and now, the pursuer appearing, but none of the defenders, the order is to Page 85
denounce them all rebels.

James Moyle against Andrew Spalding for spuilyie.

Complaint by James Moyll in Catgibbun, that, upon 9th September 1600, Andro Spalding, servitor to David Spalding, apparent of Eschintullie, with others, came to the lands of Catgibbun at night, and stole from complainer three kye with calf and a bull, and carried them to the lands of Eschintullie, belonging to Andro Spalding of Eschintullie, where

a 1601-2. they were resetted eight days. As the said Andro is not answerable, the Laird of Eschintullie and his said son ought to be obliged to enter him.

e 854. The complainer appearing by Ramsay, servitor to Hew Maxuell, and the defender appearing personally, the Lords assoilzie the defenders, because the pursuer has failed in his proof.

Suspension of horning against James Alexander and others.

Complaint by James and Alexander Elschinderis in Umoquhy, and Alexander Elschinder in Capo, as follows:—The first two are charged by James and Robert Brabneris in Caterling to find caution, each in 300 merks, for their indemnity, and the said Alexander in Capo is charged to find caution in the said pain for the indemnity of the said James and Robert, Cristeane Brabner, their sister, Andro Spaid in Brigfurd, and Jonet Done, his spouse, under pain of rebellion (*ante*, p. 365). Now, the said pains are far above those appointed for persons of their condition, they being but poor cottars and labourers of the ground, and none of them worth 100 merks. The most that can be imposed upon them is £40 or 100 merks; yet, by "grit moyane and travell," they have found caution as charged; and they therefore plead that the said horning should be suspended.—James Alexander appearing for himself and the other complainers, but the defenders not appearing, the Lords do suspend the said letters of horning and reduce the caution to 100 merks.

e 855.

Janet Paterson against Lindsay of Edzell for fire-raising and eviction: Decree of absolvitor.

Complaint by Jonet Patersone, sometime in Gallowleyis, as follows:— Upon Palm Saturday, three years ago, George Allane in Preististoun, and Alexander and Williame Robertis, his good-sons, all Sir David Lindsay of Edzell's men, came at night to her byre in Gallowleyis, and treasonably raised fire therein, burning six oxen and two kye belonging to her and her late mother. Pursuer and her mother, having complained to Sir David, could get no redress, so that they were constrained, while his Majesty was in this country, to make their complaint to him. This had so enraged Sir David that he threatened her said mother "in sic sort that scho, being ane puire agit woman, within few days thairefter depairtit this lyfe." He also menaced complainer herself, avowing to "sett hir upoun ane hett girdle in cais scho complenit to his Majestie heirefter." Farther, at Whitsunday last, he ejected her furth of her roum of Gallowleis, and reft from her five nolt, the whole plenishing of her house, and the crop of the said lands, amounting to four score bolls of victual with the fodder; and so has left her nothing whereupon to live.—Complainer, and the said Sir David, George Allane and Williame Robert appearing, the Lords assoilzie the defenders, because complainer has failed in proving the part of the libel touching the burning foresaid, and because complainer is found to have had no right to the said lands, and the goods taken from her were comprised for the debt and fermes due by her and her late mother to Sir David for his own lands possessed by them for the time.

e 856.

Sentence on Thomas Bruce for striking Mr. Joshua Durie, minister at Forfar, with a baton.

Having considered the "vyld attempt and offens" committed by Thomas Bruce, servitor to Johne Skrymgeour of Kirktoun, against Mr. Josua Durie, minister at Forfar, this month, "in stryking of him with ane battoun," and seeing that by the Acts of Parliament the due punish-

ment of such offences is confiscation of the moveables of the offender and penalty to his person "at the arbitrement of his Majestie," the King and Council order Bruce to be transported by the magistrates of Monrois (where he is at present) to the burgh of Forfar, and delivered to the magistrates there by 25th instant; and they further order that, upon that day, being Sunday, he shall be "presentit to the mercat croce of Forfar, with ane quhyte sark upoun him, and ane paper on his foirheid quhairon salbe writtin the caus thairfoir he is thair presentit, and that the said Thomas publictlie at the mercat croce upoun his kneis ask the said minister and the haill congregatioun forgivenes"; after which he is to be committed to ward in the said burgh, laid in the stocks, and detained there till he find caution in £500 to go abroad and not to return without his Majesty's licence, under pain of death, besides the pecunial pain to be incurred by his cautioner in case he fail. If he cannot find the said caution, the magistrates of Forfar are to keep him in ward till they get him put on board a ship to be transported furth of this realm. Acta 1601 Page 857.

Brechin, 21st April. New charge to the Earl of Argyle and others to submit their feud with the Marquis of Huntly on a day named.

The 20th instant having been assigned to James, Earl of Murray, with his own consent, and to certain others, for appearing to submit the feud between them and George, Marquis of Huntly, conform to the Act of Estates (*ante*, p. 351), and the said Earl having wilfully absented himself without any lawful excuse, and his Majesty being resolved that his disobedience shall not impede the execution of the said Act in the persons of such as avow the said feud, there is order to charge Archibald, Earl of Ergyle, Johne, Earl of Mar, Williame, Earl of Mortoun, Andro, Lord Stewart of Uchiltrie, and Sir Johne Weyme of that Ilk, to appear before the Council upon 20th May next at Striviling, prepared to submit their feud with the said Marquis.

Dunfermline, 26th April. Protest in favour of the Duke of Lennox, the Earl of Mar, and Lord Newbattle, as collectors of taxation.

Archibald Prymrois, writer, appears as procurator for Ludovick, Duke of Lennox, and Johne, Earl of Mar, collectors of the taxation of 100,000 merks, and for Mark, Lord of Newbottle, collector of the taxation of 200,000 merks, and gives in a copy of the letters raised by George, Marquis of Huntley, sheriff-principal of Aberdene, and Johne Gordoun of Boigis, his sheriff-depute, charging the first two collectors to produce the letters commanding the said Sheriff and his depute to pay them £1427 for the tax of the shire of Aberdene, under the first taxation, and the third collector to bring his letters requiring them to pay him £2854 for the tax of the said shire under the other taxation, in order to the suspension of the same. Neither the Sheriff nor his depute appearing, the said procurator protests that the said collectors shall not be held to answer farther to the said letters till they be warned of new, and that the same shall be put to execution in all points; and the Lords admit the protest. Page 858

Dunfermline, 27th April.

Sederunt—PRESENTE REGE—Lennox; Ergyll; Fyvie; Lowdoun; Master of Elphingstoun; Treasurer; Secretary; Kinlos; Comptroller; Brintiland.

1601-2. Complaint by Adame Veitche in Fechane, as follows ;—Upon 5th instant Williame Scot of Hundilshoip, Thomas Scot, his brother, James Scot, called "Of Hand," Watt Scot, brother of Robert (? Walter) Scot of Thirlstane, Mr. Arthour Scot of Gemilscleuch, Johne Scot, brother of Sym Scot of Bonyngtoun, and James Scot, brother of Robert Scot of Bowhill, with others, all armed with swords, lances, hagbuts and pistolets, came to the pursuer's dwelling-house in Fechane, violently broke up the doors, took furth his whole timber work, burnt the same, and "callit furth his haill guidis out of his said hous, and wald not suffer thame to remaine upoun his saidis landis," but barbarously slew two calves that would not "dryve away with thame."—Farther, they broke up his barn doors, and took furth thereof his corns and fodder, which they gave to their horses. And the said Williame Scot has violently evicted the pursuer and his family furth of the said house and intruded himself therein.—Charge had 859. been given to all the said offenders to appear and answer, and to the said Syme Scot of Bonyngtoun and Robert Scot of Bowhill to present their said brothers, as also to Robert Scot of Hanyng to enter all the said pursuers,—he being governor for Sir Walter Scot of Branxholme (who is their chief and landlord) during Sir Walter's absence abroad; and now, complainer appearing, but none of the defenders, the order is to denounce them rebels.

To denounce William Scott and others for not answering to a charge of violence and eviction.

"The Kingis Majestie and Lordis of his Hienes Secrete Counsall understanding the grit hurt that his Majestie hes sustenit in tyme bigane be certain skipperis, maisteris and awnaris of schipis, quha, in favour of the merchantis and in defraud of his Majestie of the dew payment of his customes, ladynis and lossis thair schipis at unfrie portis and at portis and harboreis quhair his Hienes hes na customeris ; as lykwayis at thair depairting out of this realme, efter that thay have maid and gevin up to his Hienes customeris the entres of all guidis being within thair schipis and veschellis and ressavit thair cocquettis thairupoun, thay will ressave within thair saidis schipis uther merchandice and guidis, and transport the same out of this realme uncustumat, and at thair returning hame agane loissis ane pairt of thair laidning befoir thay gif up thair enteres to his Hienes saidis customeris: For remeid quhairof his Majestie, with avyse and consent of the saidis Lordis of his Secrete Counsall, hes statute and ordanit that na maisteris, merchantis, awnaris nor skipperis of schipis, crearis nor veschellis within this realme, tak upoun hand at ony tyme heirefter to ladin thair schipis at the portis of Haymouth, Coldinghame, Aberlady, Newhaven besyd Prestoun, callit Achiesonis haven, Cokeny, Quenisferry, Borrowstounes and Airth, upoun the south syd of the Watter of Forth, nor at the portis of Elie, Sanctmonanis, Levinsmouth, Wester Weymis, Quenisferry, Lymkillis and Quhailhaven, upoun the north syd of the Watter of Forth, nor that thay ressave na merchandice, guidis nor geir within thair saidis schippis, crearis and veschellis at the saidis portis, nor that thay schip nor impute na merchandice, guidis nor geir within thair saidis schipis, crearis and veschellis in ony oppin raid within this realme, salt and coill onlie exceptit, under the paine of escheiting of the haill

Act and ordinance for the due payment of the Customs on goods exported and imported.

merchandice, guidis and geir sua schippit, and of the schippis, crearis and Acta 160
veschellis quhairin the same salbe schippit; as alsua that na merchantis, Page 86
maisteris, awnaris nor skipperis of schippis arryvand within this realme tak upoun hand to losse ony merchandice, guidis and geir at ony of the saidis portis, victuell and tymmer onlie exceptit, under the paine of escheiting of the haill merchandice, guidis and geir sua lossit, and of the schipis, crearis and veschellis out of the quhilk the same sal happin to be lossit. As lykwayis, it is statute and ordanit that na maisteris, awnaris nor skipparis of schippis passand out of this realme tak upoun hand at ony tyme heirefter to ressave within thair saidis schipis and veschellis ony merchandice, guidis and geir to be transportit out of the same efter that thay have maid and gevin up thair entres to his Hienes customeris, under the paine of escheiting of the saidis merchandice, guidis and geir sua schipit, and of the schipis, crearis and veschellis quhairin the same salbe schipit; as alsua, that na marchandis, maisteris, awnaris nor skipperis of schipis arryvand within this realme tak upoun hand at ony tyme heirefter to lose ony merchandice, guidis or geir being within the same schipis under quhatsumever cullour or pretence at ony port within this realme, or that thay convoy ony of the same away, in defraud of his Majestie of his dew customes, quhill the entres of thair schipis be maid and the same with the cocquettis ressavit be thame at the portis quhair thay ressavit thair laidning be first delyverit to his Hienes customeris, and that thay leaf na pairt of the saidis merchandice, guidis and geir ungevin up in the said entres, nor conceill na pairt thairof fra the saidis customeris, under the paine of escheiting of the haill merchandice, guidis and gear sua to be lossit, and of the schipis, crearis and veschellis out of the quhilk the same sal happin to be lossit, as alsua under the paine of escheiting of the haill merchandice, guidis and geir left out and ungevin up in the said entres. And ordanis letters to be direct for publicatioun heirof at the mercat croceis of the heid burrowis and sey portis of this realme and utheris placeis neidfull, that nane of his Majesteis liegeis pretend ignorance of the same; and to command and chairge all and sindrie maisteris, skipperis and clerkis of schippis, at the geving up of thair entres of thair saidis schipis and veschellis to his Hienes customeris at the depairting out of this realme, to gif the same up upoun thair aith of fidelitie that the same is ane just and trew entres of the haill guidis and geir within thair saidis schipis and veschellis, with the names of the mercheantis, awnaris thairof, and that thay have conceillit na pairt thairof ungevin up, nor sall ressave na uther mercheandice, guidis nor geir within thair saidis schipis and veschellis efter the upgeving of the said enteres; and at thair repairing within this realme, that thay gif up thair enteres upoun thair said aith of fidelitie that the same is a just and trew entres of the haill merchandice, guidis and geir schippit within thair saidis schippis and veschellis at that voyage, with the names of the marcheantis, awnaris thairof, and that thay have conceillit na pairt of the same ungevin up, nor hes lossit na pairt thairof befoir the upgeving of the said entres, and that with the same entres

1601-2. thay gif and delyver to the saidis customeris the cocquettis ressavit be thame at the portis quhair thay ressavit thair laidning, within sax houris efter the chairge, under the paine of rebellioun."

"The Kingis Majestie and Lordis of Secrete Counsall understanding that his Majestie hes bene gritlie prejudgit and hurt in tyme bigane in the dew payment of his Majesteis customes be ressone that some merchantis, awnaris of guidis and geir, transportit out of this realme and imbrocht within the same for thair awne advantage and commoditie, hes bene accustumat to pak and clois, within pakis and treis of grof wairis and merchandice payand small customes to his Majestie, geir and merchandice of better valour and payand gritter customes, and, at the geving up of the said geir in enteres to his Hienes customeris, hes gevin up the same and payit custome thairfoir as for the grof geir contenit in the said pak onlie; utheris of the same merchantis haveing bene in use this lang tyme bigane to transport out of this realme be land to Berwick and uther sey portis upoun the Bordouris of England skynnis, hydis and utheris marchandice custumable, and thair to schip and transport the same to the pairtis beyond sey without payment of ony custome to his Majestie thairfoir: For remeid quhairof his Majestie, with avyse of the saidis Lordis of his Secrete Counsall, hes statute and ordanit that na merchand tak upoun hand at ony tyme heirefter to pak or inclois within pakis of skynis or uther pakis transportit out of this realme, or within pakis of lynt or hemp, treis of cairdis, cairtis, camys or uther pakis or treis brocht within this cuntrey, ony uther merchandice or geir of contrair nature and conceill the same ungevin up in enteres to his Hienes customeris in defraud of his Majesteis customes, under the paine of escheiting of the haill pak quhairin the same geir salbe sa found or tryit to be fraudfullie pakit; as alsua, that na marchantis, nor utheris his Majesteis subjectis, tak upoun hand at ony tyme efter the dait heirof to transport out of this cuntrey be land to Berwick, or ony uther sey port within the realme of England, ony skynis, hydis or merchandice quhatsomever to be schippit and transportit to the pairtis beyond sey, under the paine of escheiting of the haill movable guidis and geir pertening to the merchantis, transportaris of the same guidis be land to England, as said is."

Act against certain fraudulent devices for defrauding the King of his customs on exports and imports.

861.

Ludovick, Duke of Lennox, and Awla M°Aula of Ardincaple, appearing, the former declares that the latter is one of his dependers and will therefore be comprehended in the submission between him and the Earl of Ergyll, and promises that Awla will abide by the decree to be pronounced upon the said submission. Awla himself promises to the same effect.

Dunfermline, 28th April. Duke of Lennox and Macaulay of Ardincaple.

Caution in 4000 merks by Archibald, Earl of Ergyll, for Campbell of Auchenbrek, that he shall answer upon 18th May next before the King and Council to a complaint against him by the Sheriff of Bute.

Caution for Campbell of Auchinbreck.

His Majesty being informed that the "disorderit and brokin men of the Clanis in the Hielandis daylie committis oppin and manifest reiffis, heir-

Dunfermline, 29th April.

Charge to certain Barons in the North to appear and give advice for repressing broken men there.

schippis, oppressionis and depredationis upoun the peceable and guid subjectis of the incuntrey," and, not contented therewith, have "tane the bauldnes in oistis, troupis and cumpanyis, to repair in fair daylycht within the hairt of the incuntrey and to the portis of Elgyne, quhilk wes the maist peceable and obedient pairt of the haill land, and thair to sorne, slay, herrie and oppres at thair plesour"; and understanding farther that this boldness proceeds from the feuds among the barons and gentlemen of those parts of the country, who not only neglect their duty of pursuing and suppressing the said depredators, but actually foster them and employ them against those with whom they have grudges: there is order to charge the following persons to appear before the King and Council upon June next, under pain of rebellion, to give their best advice for the necessary measures: viz., George, Marquis of Huntley, Innes of that Ilk, Suderland of Duffus, Archibald Dowglas of Pittindreich, Cumyng of Ernesyd, Cumyng of Alter, Alexander Dumbar of Cumnok, sheriff of Murray, Johne Grant of Freuchy, Lauchlane M^cIntosche of Dunnachtane, Symone, Lord Fraser of Lovat, Donald M^cAngus of Glengarry, Williame Ros of Kilraak, Alexander Dumbar of Tarbett, Mark Dumbar of Durris, Patrik Dumbar of Blarie, Innes of Cokstoun, James Innes of Mininie, Alexander Falconer of Halkertoun, Campbell of Caddell, David Ros of Holme, Johne Ros of Ballivat, Walter Kynnaird of Cowbin, Patrik Grant of Ballandalloch, Patrik Grant of Rothiemurkus, Grant of Glenmoreistoun, Angus Williamsoun of Termett, , Tutor of Lovat. Acta 1601 Page 862

Dunfermline, 1st May. The Council and Session to resume their sittings.

The Lords of Council and Session having been ordered to cease their sittings in Edinburgh because of the plague (*ante*, p. 345), and it having now "pleisit God of his guidnes to remove the said plague," his Majesty ordains the Session to sit in Edinburgh upon 15th May next; and proclamation hereof to be made at the market cross of Edinburgh.

Dunfermline, 4th May.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Comptroller; Ros; Dunkeld; Tracquair; Elimosinar.

To denounce James Scott of Whithope, for not answering to a complaint by Stewart of Traquair.

Complaint by Sir Williame Stewart of Tracquair, as follows:—James Scot of Quhithoip having committed reif upon him, in circumstances implying contempt of his Majesty,—to wit "becaus he [complainer] had ordourlie and lauchfullie suspendit some letters quhairwith he [defender] pretendit to have cullorit his intendit reif, and causit use the same suspensioun aganis him the day afoir the committing of the said reiff,"—complainer had thereupon obtained letters against defender charging him to answer to the "said contempt." But, "feiring the event of his tryall, he, upoun some frivoll ressonis, purchest a suspensioun of his saidis letters to ane certane day in the hinder end of Maii."—Charge had been given to Scot to appear this day and hear the reasons of the said suspensions discussed, under pain of rebellion; and now, the pursuer appearing, but not the defender, the order is to denounce the defender rebel. Page 863

a 1601–2.

Farther complaint by the said Sir Williame, that, while he was attending here upon his Majesty's service in the present raid, the said James, Sir Walter Scot of Branxholme's man, taking advantage of pursuer's absence, came upon 4th March last to his lands of Blakhous and violently reft from him and his tenants fifty ewes.—Pursuer appearing, but not the said James, nor Robert Scot of Hanyng, who had been charged to enter him as representing the Laird of Braxholme in the said Laird's absence abroad, the order is to denounce James rebel on this charge also, and the said Scot of Haning with him. The same Scott of Whithope denounced on another charge, and also Scott of Haning.

ge 864.

Complaint by Robert Hammiltoun, burgess of Edinburgh, and David Hammiltoun, writer there, as follows:—Andro Newtoun, burgess of Jedburgh, as principal, James Rutherfuird, Richard Aliesoun, elder, and Johne Pennan, burgesses there, as sureties, having become bound to pay the pursuers 1000 merks, with £40 of liquidate expenses, the said principal and sureties had been put to the horn for non-payment. As they had continued at the horn, complainers had caused charge Johne Aliesoun, Williame Broun, Johne Rutherfuird, and Adame Anislie, bailies of Jedburgh for the time, to apprehend them and put them in prison, to be presented before the Justice in the tolbooth of Edinburgh. The said bailies had, accordingly, upon 11th January last, committed the said persons to ward in their tolbooth; but, though, "according to the observit ordour usit in all burrowis of this realme," the said bailies ought to have held them there till they paid complainers the said sums, they had released them and permitted them to remain in the said burgh, not only to the complainers' great hurt, "bot in grittar contempt and vilipensioun of his Majestie." The said bailies ought therefore to be required to pay the complainers the said sums or else to enter the said rebels.—Charge had been given to the said Williame Dowglas, Williame Broun, Adame Anislie, and Adame Rutherfuird, bailies of Jedburgh, to enter the said rebels before the King and Council, within three days after the charge, to the effect they might be put in ward in the tolbooth of Edinburgh and order taken with them; and now, the said David Hammiltoun appearing for himself and the other pursuer, but none of the bailies appearing, and the said rebels not having been entered, the order is to denounce the bailies rebels. To denounce the bailies of Jedburgh for non-entry of certain rebels, inhabitants of their town.

ge 865.

Complaint by Cuthbert Aitkyn in Powbeth in Caldermure, as follows:—He having in tack the lands of Powbeth, of which he and his predecessors have been kindly possessors past memory of man, James Stevinsoun of Hirdinescheillis, with others, all armed, came, upon 23rd March last, to the said lands, where the complainer's plough was tilling, and reft furth thereof the drawing oxen. James sowed the part of the said lands that was tilled and "riddit," and the rest he caused till and sow. Farther, upon 2nd April last, he came to the pursuer's house in Powbeth, reft furth three bolls of bear standing in a sack, and assaulted his wife, "scho being grit with bairne," and "harlit hir furth of the said hous, quhairoutof scho lay as ane deid and breathles persone the space of fourtie-aucht houris, and Cuthbert Aitken against James Stevenson for assault and oppression.

ge 866.

thairby hes contractit sic ane havie disease that continuallie sensyne scho hes lyne bedroll and never able to convalesce." At the same time Stevinsoun or some others reft certain goods furth of complainer's house; whereby he is so impoverished that he has not the "moyane to leif, nather yit to sute the ordinar forme of the law."—Both parties appearing, the Lords assoilzie the defender, because the pursuer has failed in his probation after production of divers witnesses. Acta 1601

Dunfermline, 5th May. New charge to the Earl of Moray.

James, Earl of Murray, having broken his promise to appear upon 20th April last and submit his feud with George, Marquis of Huntley, to arbitration (*ante*, p. 372), is to be charged again to appear for that purpose before the King and Council at Striviling upon 20th instant. Page 867.

Perth, 13th May. Suspension of letters of horning and treason affecting Lord Roxburgh.

Action at the instance of Robert, Lord Roxburgh, as follows:—Thomas Cunynghame, burgess of Edinburgh, alleging that Dame Jonet Dowglas, Lady Cesfuird, as principal, and Williame Hird in Ormestoun and James Wauchop, her servitors, as sureties for her, are put to the horn for not paying him £1000 and £40 of expenses, raised letters, in name of Sir George Home of Spot, treasurer, charging the said Lady, and also pursuer, as keeper of the dwelling-place of the Friars, to deliver the same to the officer executing the said letters, under pain of treason. Now, long before the said horning and charges of treason, the said Lady denuded herself of all right to the said place in favour of pursuer, conform to a contract between them dated at Halyden 28th February 1599, so that pursuer has the only right thereto and is in possession of the same. Therefore the said letters of treason should be suspended. Still, pursuer has found caution to render the said place if it be found that he ought.—The pursuers appearing by Mr. Robert Young, their procurator, but the defender failing to appear, the Lords do suspend the said letters. Page 868.

Holyrood-house, 18th May.

Sederunt—Lennox; Cancellarius; Linlithgow; Fyvie; Uchiltrie; Roxburgh; Master of Elphingstoun; Ros; Haliruidhous; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Tracquair; Sir Thomas Erskene; Kilsyth.

Suspension of horning against Thomas MacAlmont.

Complaint by Thomas Kennedy of Drummurchy, Hew Kennedy of Bennan, Thomas Dalrumple, brother of the Laird of Stair, Johne M^{c}Alexander in Craigonochie, Thomas and Alexander M^{c}Alexanderis, his brothers, Thomas Wallace, servitor to the Laird of Bargany, Johne Kennedy, smith in the Holmis, Thomas M^{c}Amont in Bennan, Alexander Wylie in Ballantray, Johne M^{c}Ilmorrow, servitor to the said Hew Kennedy of Bennan, Alexander Kennedy, son of Hew Kennedy in Dangar, and Thomas Hill in Ballaird, as follows:—They are put to the horn at the instance of Johne, Earl of Cassillis, for not answering to a complaint touching their convocating of the lieges and lying in wait for him at the Kill of Dalgerrak, with the intention of slaying him (*ante*, p.

a 1601-2. 346). Now, they were never lawfully charged to appear, neither personally nor at their dwelling houses; and, as soon as the charge came to their knowledge, they had found caution, each in 500 merks, for their appearance this day to answer to the complaint. Farther, as to the gift of their escheats, the same is disponed to Jeane Stewart, relict of Gilbert Kennedy
ge 869. of Bargany.—The said Thomas M°Almont appearing, but not the Earl of Cassillis, the Lords suspend the said horning upon M°Almont, but continue the matter as regards the other pursuers till 20th instant.

Sir James Bellendene of Brochtoun appearing this day, as charged, to answer for "the contempt" done by him in apprehending James Foirman, water bailie of Leyth, the Lords, according to a warrant in writing sent to them from his Majesty, ordain him to enter in ward in the Castle of Edinburgh and to remain there till relieved by his Highness. Sir James Bellenden committed to ward.

Dunfermline, 21st May. Proclamation for enforcing two Acts of the last General Assembly of the Kirk.

"Forsameikle as his Majesteis speciall cair and intentioun being to establische ane constant provisioun for the intertenement of the ministrie at everie congregatioun within this realme, and to prosequute that work with all convenient diligence, albeit his Majestie hes bene hinderit thairin, pairtlie be utheris his Hienes grit and wechtie effairis, and pairtlie throw occasioun of the pest brokin up in sindrie pairtis of the cuntrey, and siclyk understanding that thair wes sindrie lovable and guid Actis and ordinanceis sett doun and concludit be his Hienes advyse in the last Generall Assemblie for advancement and propagatioun of the trew religioun and extinguischeing of papistrie, speciallie ane Act be the quhilk generall commissioun is gevin to certane of the brethrene of the ministrie efterspecefeit for visitatioun of the boundis particularlie underwrittin, and ane uther Act appointing certane utheris personis of the ministrie for plantatioun and visitatioun of the Erlis and Lordis houssis with thair fameleis efterspecifeit with the treuth of the gospel;—that is to say [by the first Act] commissioun is gevin to Mr. Robert Pont and Mr. Robert Durie for Orkney and Zetland, to Mr. George Gledstanis for Caithnes and Sutherland, to Mr. Alexander Dowglas and Mr Alexander Rawsoun for Ros, to Mr. George Hay and Mr. Andro Crumbie for Murray, to
and Mr. George Gledstanis for Aberdene, to Mr. Robert Wilkie and Mr. James Melvill for Angus and Meirnis, to Mr. Thomas Dowglas and Mr. Johne Fairfoull for Perth and Stratherne, to Mr. James Nicolsoun and Mr. Robert Howie for Fyfe, to Mr. Patrik Simpsoun and Mr. Hary Levingstoun for Loutheane, to James Gibsoun and Mr. Adame Colt for the Mers and Teviotdaill, to Mr. David Lindsay and Mr. Johne Spottiswode for Cliddisdaill, to Mr. Gawin Hammiltoun and Mr. Andro Knox for Air and Irwing, to Mr. Johne Knox and Mr. Patrik Schaw for Annanderdaill, to Mr. David Barclay, Mr. Alexander Skrymgeour, and Mr. Nathaniell Inglis for Nithisdaill and Galloway; quhairin powar is committit to thame to try the brethrene of the ministrie within the boundis particularlie abonedesignit in thair lyfe, doctrine, qualificatioun and conversatioun, and how thay have behavit thamselffis tuicheing the

rentis of thair beneficeis, quhidder thay have sett takis of the same but consent of the Generall Assemblie or not and sua dilapidat the same, to depose sic as servis depositioun, to plant ministeris in sic placeis as hes not bene plantit heirtofoir, and to that effect to deall with the takisman of every paroche kirk for provisioun of a minister to thair paroche kirk, and to report ane answer of the takisman to the nixt Generall Assemblie, particularlie of every paroche kirk for provisioun of a minister to thair kirkis, and to report to the nixt Generall Assemblie ane ansuer of the takismen in wrete concerning the planting of the kirkis quhairof thay posses the teindis, and to report thair diligence to the nixt Generall Assemblie :—and sic lyk be ane uther Act [the second] it is ordanit, anent the visitatioun of the Erlis and Lordis houssis efter specefeit, that the personis underwrittin sould be transportit fra thair awne placeis for ane quarter or half ane yeir, quhill ane substantious meane mycht be found out for a constant provisioun and planting of these rowmes, be quhais lauboris in the meantyme the Erlis and Lordis with thair fameleis mycht be confermit in the treuth and the ennemeis debarrit fra thair cumpanyis, and thairefter to returne to thair awne chairgeis,—that is to say, Mr. George Gledstanis, bischope of Caithness, to await upoun the Marques of Huntley, Mr. Alexander Lindsay and Mr. Williame Cowpar upoun the Erle of Errole, Mr. James Law and Mr. Johne Spottiswode upoun the Erle of Angus, Mr. Johne Carmichaell upoun the Lord Home, Mr. David Lindsay and Mr. Johne Hall upoun the Lord Hereis :—as the saidis Actis and Commissionis at mair lenth beiris: Quhilkis his Majestie, of his princelie cair and dewtie, intending to sie put to dew executioun, ordanis ane officer of armes to pas to the mercat croceis of the heid burrowis of this realme and utheris placeis neidfull, and thair be oppin proclamatioun mak intimatioun of the premissis, that nane pretend ignorance of the same; and siclyk, that ye command and chairge all and sindrie the bretherene of the ministrie abonewrittin to accept upoun thame the particular commissionis abonementionit and to put the same to dew executioun, conforme to the tennour thairof; and siclyk, all the presbitereis within the cuntrey to report to the Commissioneris of the Constant Platt in Edinburgh thair exact diligence in the tryall of the articlis committit to thame be his Hienes missive letter direct to thame thairanent befoir the first day of Julii nix to come, as thay and ilkane of thame will be answerable to his Majestie upoun thair obedience at thair heichest chairge and perrell, and under the paine of tinsall of the saxt pairt of thair stipendis."[1] Acta 1601 Page 870.

[1] The General Assembly of the Kirk whose Acts are here referred to and ordered to be proclaimed and enforced was that which had met at Burntisland in May 1601. See footnote, *ante*, p. 236; and for further information as to the two Acts of that Assembly mentioned in the present entry,—the one for a general visitation of the ministry in the different districts of the realm with a view to a more effective organization for the sustentation and government of the Kirk, and the other for a pastoral supervision in the meantime of certain noble families addicted to Roman Catholicism and of the neighbourhoods of those families,—see Calderwood, vi. 115–123. The "Commissioners of the Constant Platt," mentioned in the latter part of the entry, as appears from Calderwood (p. 119), were a body consisting of six ministers appointed by the Burntisland

1601-2. Archibald, Earl of Ergyle, being present, admits that, by the general band 908. and by the act of caution found by him, he is answerable for Campbell of Auchinbrek. Dunfermline, 22nd May. The Earl of Argyle and Campbell of Auchinbreck.

870. *Sederunt*—Cancellarius; Uchiltrie; Fyvie; Thesaurarius; Ros; Kinlos; Collector; Privy Seal; Advocate; Clerk of Register; Sir James Sandielandis. Edinburgh, 25th May.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, as follows:—In February last, Andro Reid in Braidestoun having been put to the horn at the instance of Williame Barclay, burgess of Monrois, and having, by subsequent letters of caption, been committed to ward in the burgh of Monrois, Thomas Campbell, burgess of Monrois, and Robert Keyth there, "consulting and 871. colluding togidder," liberated the said Andro without the knowledge of the magistrates.—Charge having been given to the said Robert to appear and answer, and he being present, with the pursuers, the Lords assoilzie him, because pursuers have failed in their proof. Against Robert Keith for liberating a prisoner.

Action by the same pursuers, for his Majesty's interest, as follows:—Andro Monro of Newmoir, Donald Monro of Torloky, his brother, Johne Monro, Thomas [? Monro's] son, Donald Monro, son of Alexander Monro of Ardveille, Alexander M^cFinlay, Johne M^cAndres Moir, *alias* Johne Clogy, Johne M^cFindlay and Thomas Dumbar, having slain Alexander Monro *alias* M^cIntagart in the year 15 , "tuik respettis" for the slaughter, thus acknowledging their guilt. As the said respites are now expired, the pursuers, in the discharge of their offices, "man acquent his Majestie thairwith," that the said persons may be punished.—Charge had been given to the first two defenders and to Donald Monro, son of Alexander Monro of Ardveille, to answer; and now, the pursuers appearing personally and the first two defenders by Mr. Johne Monro, minister at Tarbett, who produces 872. two testimonials subscribed by the ministers of the presbytery of Tayne, certifying their "present disease" and inability to travel, the Lords excuse their absence, and ordain them to find caution to appear before the Justice the third day of the next justice air of the shire where they dwell. They also ordain the said Donald to be denounced for non-compearance. Against Andrew Munro and others for slaughter.

Sir James Bellenden of Brochtoun, failing to appear this day to answer anent "the lait apprehensioun" of James Foirman, water bailie of Leyth (*ante*, p. 379), is to be denounced rebel. To denounce Bellenden of Broughton.

Assembly,—viz., Messrs David Lindsay, James Nicholson, Robert Pont, Patrick Galloway, George Gledstanes, and John Nicholson,—in association with seven statesmen and councillors,—viz., the Chancellor, President Fyvie, the Secretary, the Collector, the Comptroller, Sir Patrick Murray, and Mr. George Young. For the "Constant Platt" itself and its meaning, see vol. v. p. 224 n.—The whole of the present entry, both tone and matter, is significant of the supremacy now possessed and asserted by the King and the Privy Council over all Kirk matters, as well as over all matters of State. Ostensibly the ordinance only recognises and enforces Acts of the last General Assembly; but the manner and the language are very different from those that would have been assumed by an ordinance of Council while strict Presbyterianism prevailed.

William Glasgow and others against Mr. John Russell for wrongous detention in ward.

Complaint by Williame Glasgow in Grantoun, Jeane Fairlie, his spouse, and Jame Purves, their servant, as follows:—Mr. Johne Russell, alleging them to be culpable of the late treasonable burning of his house of Wester Grantoun, had obtained commission to the Sheriff-depute of Loutheane to imprison them in the tolbooth of Edinburgh for trial. Having been put in the said ward upon 10th instant, they have remained there since "maist miserablie, haveing nathing to sustene thameselffis, being only puire hyndis, quhome the said Mr. Johne hes put to extreme beggrie be taking away and intrometting with the said Williames haill guidis and geir upoun conditioun to gif him sevin bollis meill for contentatioun of his wrak," and then, when the said Williame had obtained decree before the commissaries of Edinburgh for the fulfilment of this condition, "upoun frivoll ressonis" procuring suspension thereof. "For executioun quhairof, and this lait accident be the providence of God intervening, the said Mr. Johne hes ungodlie and maliciouslie persewit the saidis complenaris for the said fyre, quhairof thay ar innocent, praysit be God." Complainers have obtained a certificate from the minister, elders and parishioners of their parish of Crawmont, testifying their "honnestie, guid behaviour, inclinatioun to vertew, and godlie behaviour to Chryst, his kirk and nychbour"; and they plead farther that, though they ought to have been tried immediately after their imprisonment, conform to the commission directed thereanent, yet Russell will not prosecute them, "bot of malice detenis thame in ward, thinking thairby to disapoint the saidis complenaris of justice and of the executioun of the said decreit."—The pursuers appearing by Alexander Wilkie, notary at the West Port of Edinburgh, but the defender not appearing, the Lords ordain defender to pursue the complainers before the Justice within ten days hereof, with certification that, if he fails, the provost and bailies of Edinburgh will be commanded to release them, on caution found by them to answer before the Justice when required; and in the meantime he is to pay the complainers 10s. each daily for their sustentation. Acta 1601 Page 873.

Suspension of horning against James Dalrymple and James Wallace.

Complaint by James Dalrumple, brother of Johne Dalrumple of Stair, and James Wallace, younger of Doullars, as follows:—Letters of horning have been directed against them for not answering to a complaint by the said Johne. Now, as pursuers had never been lawfully charged and did not hear of the charge till they were denounced, and as they have found caution, each in £100, to answer upon 18th instant, the said horning should be suspended.—The pursuers appearing, but not the defender, the Lords do suspend the horning. Page 874.

Holyrood-house, 27th May.[1]

Mr. George Dunbar and the parishioners of Cumnock.

Mr. George Dumbar, parson of Cumnok, appears and gives in a copy of letters raised by Williame Craufurde of Leifnoreis, Johne Campbell of Schankistoun, George Craufurd of Auchincors, Charles Campbell of

[1] "Upon the 27th of May, the King's young sonne, called Robert, and styled Marquesse of Wigtoun, departed this life, and his corps was secreitlie transported in a coffine to Halyrudhous" (Calderwood, vi. 151).

1601-2. Horscleuch, William Campbell of Glasnok, Johne Campbell in Bordland, George Craufurd in Auchmuy, George Logane of that Ilk, Hew Campbell in Boig, and Hew Campbell in Garrallane, for themselves and the other parishioners of Cumnok, commanding him to produce, with a view to suspension, the letters of horning obtained by him for his relief of the taxation of the parsonage of Cumnok, whereby he charged them to pay
875. him their parts of the said taxation. None of them appearing, he protests that he shall not be held to answer further to the said letters of suspension till again warned; and the Lords admit the protest and ordain his letters against the said persons to be duly executed.

Charge for assurance between Grierson of Lag and Maxwell of Conheath.

Because of the quarrel between Williame Greir of Lag and George Grhame, brother of the Earl of Menteith, on the one part, and Maxwell of Conhaith on the other part, there is order to charge both parties to assure one another till 1st August 1603, within six hours after the charge, under pain of rebellion.

Protest in favour of the Earl of Moray.

Alexander Don, appearing as procurator for the Earl of Murray, gives in a copy of the letters raised by Johne, Earl of Athoill, donator to the ward and living of the earldom of Murray, against James Keyth, servitor to the said Earl of Murray, George Dumbar of Auchinleisk, Mr. James Dumbar, his son, Mr. Samwell Falcouner of Ar, James Stewart in Tarneway, Adame Stewart there, Johne Campbell of Caddell, Williame Falcouner in Lethinbar, and Williame Torrie, burgess of Elgyne, charging him to answer this day to a complaint made against them by the Earl of Athoill,—(1) for coming to the castle of Tarneway, belonging to the said Earl by right of the said ward, of purpose to surprise the same; (2) for coming the night after to the said Castle and "setting fyre in a grit nowmer of peit stakis"; (3) for intruding themselves into the fishings of the waters of Findorne and Spey, and "removeing of his kaneris and placeing of thair awne kaneris thairin"; (4) for appointing chamberlains over the whole earldom of Murray, and compelling the tenants to pay to the Earl of Murray the maills and duties of the said earldom. And now, the Earl of Athoill not appearing, the said procurator protests that the Earl of Murray be not held to answer any farther till newly warned. The Lords admit the protest.

Mr. John Preston against John Maxwell and others for assaulting and deforcing a messenger.

Complaint by Mr. Johne Prestoun of Fentounbarnis, one of the senators of the college of justice and his Majesty's collector, and Mr. Johne Johnestoun, commendator of Halywode, for his interest, as follows:—Prestoun having directed Williame Manderstoun, servitor to Johnestoun, to the
876. south country, to execute a precept of warning to divers persons, and in special to Archibald Maxwell of Cowhill, to remove from certain of the King's lands, and the said officer having warned the said Archibald upon 3rd April last to remove from certain lands at Whitsunday next, the said Archibald, and Archibald, younger, his son, learning that the officer was to pass through the high street [of Dumfries] beside the place of Cowhill, hounded out Johne Maxwell, son natural of the elder Archibald, and Kinmoir Lowrie, servitor to the same; and these persons, overtaking the

officer, not only assaulted him with stalves and rungs, and "left him lyand almaist deid and breathles upoun the ground," but reft from him the said precepts of warning and other writs. As the said assailants are the Laird of Cowhill's servants, he ought to enter them to answer for the said crime. —The pursuer appearing personally, and the Laird of Cowhill by , his procurator, who produces a testimonial from the minister and bailies of Drumfreis certifying his inability to travel, and the said Johne Maxwell being also present, the Lords assoilzie the said Johne, because he has declared by his great oath that the charge against him is not true, excuse the absence of the said Laird in respect of the said testimonial, and continue the matter against the other and absent defenders till 24th June next. Acta 1601–2.

Charge to the magistrates of Ayr and other burghs in the West to answer for permitting contraband goods to be transported for the use of the rebels in Ireland.

After preamble dilating on "the dangerous effectis of the tressonable rebellioun raised within the cuntrey of Ireland be the rebellious and traiterous inhabitantis thairof aganis thair maist gratious Soverane and Princesse," especially now that the rebellion is "fosterit and advanceit with men, victuell and armour be the Spanyeartis," and referring to the previous proclamations forbidding all intercourse between Scotland and the Irish rebels, or assistance to them from Scotland (*ante*, pp. 330, 339), the Act proceeds:—"Notwithstanding, his Majestie is suirlie informit that a nowmer of wretchit catives and unworthie personis of the townis of Glasgow, Renfrew, Dumbartane, the Largis, Irwing, Air, Wigtoun, Quhithorne, Kirkcudbrycht and Rosay, preferring thair unlauchfull and privat gayne to a guid conscience, his Majesteis honnour, suirtie and obedience, hes oft and dyvers tymes, sen the publischeing of the saidis proclamationis, secretlie and quyetlie transportit and still yit transportis furth of this realme all sic commoditeis as thay may get confortable and helpfull to the saidis traitouris. Quhilk unlauchfull and pernitious trade, sa dangerous to the libertie of this Iland, hes proceidit fra the oursicht, negligence and allowance of the magistrattis and officeris of the particular townis abonewritten; to quhais office, dewtie and chairge the ordour-taking, apprehensioun and puneischeing of sic personis properlie appertenit. Thairfoir his Majestie ordanis letters to be direct chairgeing the provest and bailleis of the particular towns abonewrittin to compeir personallie befoir his Majestie and Counsall upoun the day of , to ansuer upoun thair bipast ouersicht and negligence in suffering sic contempt of his Majesteis authoritie within the boundis of thair officeis, and to underly sic ordour as salbe tane with thame thairanent, as alsua anent a suirtie to be maid be thame that na sic unlauchfull trade salbe usit heirefter within thair townis in tyme comeing, under the paine of rebellioun." Page 877.

Holyrood-house, 1st June.

Sederunt—Cancellarius; Mar; Uchiltrie; Secretary; Advocate; Clericus Registri; Dunkeld; Sir Patrik Murray; Elimosinar.

Janet Kennedy against Mr. William Boyd,

Complaint by Jonet Kennedy, relict of Adame Boyd of Pinkhill, and liferenter of the lands of Ertfeild in the parish of Glenlus, as follows:—

Acta 1601–2. Page 878.

Mr. Williame Boyd, sometime minister at Kirkinner and now servitor to Johne, Earl of Cassillis, accompanied by Johne Boyd, son of Robert Boyd in Larbrex, Williame M°Nelie in Kirkowan, Johne M°Blayne, Mr. Williame M°Blayne and James (? Thomas) M°Blayne, in Barchassan, and Androw Gray, servitors to the said Mr. Williame, Williame Baillie in Dunragat, Robert Gordoun of Barony (Barnerine), Alexander M°Kie in the Ferrytoun of Crie, Johne (? Cuthbert) M°Nelie, son of the said Williame M°Nelie, both servitors to Sir Robert Gordoun of Glen, all armed with jacks, steelbonnets, lances, swords, and with hagbuts and pistolets, came upon Sabbath, 18th April last, to the said lands of Ertfeld, and reft 19 sheep and 40 nolt belonging to the said Jonet, and from Alexander M°Williame, James Hendersoun, Donald and Gilbert M°Williames, her servitors and tenants of said lands, 400 sheep and four score nolt. They also cast down the said tenants' houses, assaulted themselves, and shot hagbuts and pistolets at them, avowing to bereave them of their lives if they found them thereafter dwelling on the said lands. Farther, the said Mr. Williame has at present with him a number of rebels and broken men, for fear of whom the complainer's tenants dwelling in Galloway and Carrik dare not lie in their own houses, much less labour their lands. As the said Mr. Williame is the household man of the Earl of Cassillis, the said Earl ought to enter him.—Charge had been given to the defenders abovewritten to appear this day and to the Earl of Cassillis to enter the said Mr. Williame; and now, the pursuer appearing by Josias Stewart, who passes from the pursuit of the said Williame Baillie of Dunragat, likewise personally present, and the Earl appearing by Gilbert Ros, but none of the other defenders appearing, the Lords grant no process at the time against the said Earl, but ordain the non-appearing defenders to be denounced rebels.

the Earl of Cassilis, and others.

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Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun, King's advocate, for his Majesty's interest, as follows:— Willie Irwing, called Davie's Willie, having been committed to ward in the pledge chamber of Drumfreis, upon information against him by Robert Dowglas of Caschogill, as being "suspect guiltie of dyvers crymes," and the magistrates of the said burgh being of mind to detain him there till he should be presented to justice for trial, Williame Douglas, apparent of Caschogill, with others in arms, came to the said burgh upon April last, and, finding the town quiet, repaired to the said pledge-chamber, and, having "be some policie" obtained entrance, "maist schamefullie, barbarouslie and mischeantlie murdreist and slew the puir prisoner, quha wes lyand fast in the irnis for the tyme, unable to mak ony defence;—quhilk vyld and abhominable fact, tuicheing his Majestie sa heichlie in honnour and careing with it sa foull a example to all posteriteis, aucht to be maist seveirlie puneist."—Charge had been given to the said Williame to appear and to his father to enter him; and now, the pursuers appearing, and also the said Robert, but not the said Williame, the Lords ordain the latter to be denounced rebel, and the former to be put in ward in Edinburgh for

Against William Douglas of Cashogle for the murder of Willie Irving in the prison of Dumfries.

not having entered his son and for having resetted him divers times since the said deed. Acta 1601–

John Easie against William Douglas and others for violence.

Complaint by Johne Easie in Tarneway, and Mr. Samuell Falcouner of Ar, for his interest, as follows:—In January last, the said Easie having repaired home to his house in Tarneway after "castand in the said Mr. Samuellis cornes standand in the barneyaird of Tarneway," Margaret Ros, spouse of Williame Dowglas of Erlismylne, at the direction of the said Williame, accompanied by Frissell of , son-in-law of the said , Alexander Dumbar, half-brother of the said Williame Douglas, James Kintrie, Adame Stewart in Tarneway, Johne Tailyeour, baron of Friecroft of Darneway, Gairdin at Erlismylne, Hary Wode there, Normond Torry, Alexander Torrie, Johne Torrie, sons of the late James Torrie in Logie, Androw Hardy in Erlismylne, Johne Dowglas there, George Gairdin there, Alexander Moir in Tarres, Johne Forsyth there, and Johne Mylne there, with others, came to Easie's house foresaid, put violent hands on him, and took him with them as prisoner to the place of Darnway, where they detained him 24 hours.—Charge had been given to the said Margaret, her spouse, James Kintrie, Normond Torrie, Andro Hardy, Johne Dowglas, George Gairdin, Alexander Moir, Johnne Forsyth and Johne Mylne, to answer; and now, the pursuers appearing by Johne Belscheis, their procurator, and the said Williame Douglas appearing personally, and the latter having produced an instrument, subscribed by Nicoll Duff, notary public, dated at Easie's dwelling-house 27th May last, and bearing that Easie confessed that neither the said Williame Douglas nor any of his causing had molested him, and the other defenders having failed to appear, the Lords assoilzie Douglas, and find no process at this time against the other defenders, because Belscheis has produced no sufficient procuratory for the pursuers. Page 880.

Suspension of horning against John Collison for non-payment of part of taxation of 100,000 merks.

Complaint by Johne Collusoun of Auchlownes, as follows:—He is charged to pay to Mr. Peter Blaikburne, minister of Aberdene and factor for the bishopric thereof, £7 "out of his half nettis salmond fischeing of the raik and half teind of the said fischeing," for the said Mr. Peter's relief of the late taxation of 100,000 merks, under pain of rebellion. Now, by the Act of Parliament passed at the granting of the former taxation of 200,000 merks, it was ordained, for "eschewing of extortioun aganis the tennentis be the superiouris," that all vassals, sub-vassals, tacksmen, tenants and others should be charged to convene and choose taxers to stent each person according to his estate, and that before any charges should be directed against them (1597, c. 48 iv. 142–6). But the complainer has not been so charged; and the stent roll, if any was made, was made by the said Mr. Peter himself, without advice. Farther, the bishops of Aberdene, the said Mr. Peter's predecessors and granters of the pursuer's infeftment, had bound themselves and their successors to relieve the complainer and his heirs of all taxations, and, a previous charge having been made against complainer by David, last bishop of Aberdene, for payment of part of the taxation of 200,000 merks, complainer had Page 881.

Acta 1601-2. obtained suspension of the charge, which lies over as yet undiscussed. Therefore, and because complainer has consigned the said sum of £7 in the hands of Archibald Prymrois in case it be found legally due, the said letters of charge ought to be suspended.—The complainer appearing by Mr. Robert Mar, his procurator, but Mr. Peter not appearing, the Lords do suspend the said letters, and ordain Archibald Prymrois to deliver back the £7 to the complainer.

Sederunt—Cancellarius; Mar; Ros; Neubottle; Dunkeld; Haliruidhous; Advocatus; Collector; Clericus Registri; Elimosinarius. Holyroodhouse, 3rd June.

Sir John Ker of Hirsell against certain persons and their landlords for spuilyie and assault.

Complaint by Sir Johne Ker of Hirsell and George Murrayheid in Litleden, his servant, as follows:—Upon 7th April last, Mark Ker in Morbettle, Henry and Andro Keris, his sons, Johne Ker in Heucheid, Richard Ecclis there, Johne Best and Williame Rea, coblemen at Old Roxburgh, had been put to the horn for not finding surety to appear before the Justice and underlie the laws for stealing 40 old wedders and ewes belonging to the complainers. Again, the said Henry and Androw, sons of the said Mark, in March last came to the said Sir Johne's lands of Knowboig and reft from one of his tenants two horses, at the same time wounding Andro Wycht, another of his tenants; and they daily lie in wait for his other tenants of the said lands, to bereave them of their lives and goods. As Robert, Lord Roxburgh, warden of the Middle March, is landlord of the said Mark Ker and his two sons, and of Johne Best and Williame Rea, and as Nicoll Rutherfuird of Hundeley is landlord of the said Johne Ker and Richard Ecclis, these landlords ought to enter their said tenants, conform to the general land.—Parties being called, the complainer appears and passes from the pursuit of the Laird of Hundeley. Lord Roxburgh appearing by Williame Heislope, his procurator, it is denied, on the said lord's part, that the said Mark and his two sons are his men, and alleged that they are tenants of the Laird of Corbett, who is feuar to the said lord of the lands on which they dwell. It is pleaded therefore that the said lord is bound only to enter his said feuar; and it is farther denied that Best and Rey are his servants. The Lords find accordingly, in so far that they assign to Lord Roxburgh the 15th instant for his entry of the said feuar, to the effect that order may be thus taken with Mark and his two sons. They also assign the same day to the pursuer for proving that the said Best and Rey are his Lord Roxburgh's men.

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Alexander Smith against John Archibald and others for reif.

Complaint by Alexander Smyth, chapman, as follows:—Ten years ago, Johne Archibald, Alexander Bynnie, and Williame Dundas, burgesses of Edinburgh, violently broke up a chest in the said Williame's house containing eight webs of linen cloth belonging to the complainer, and took furth thereof the said linen, estimated at 100 merks. Being a poor man, he is constrained to seek redress from the Privy Council, the rather because, having prosecuted his plea against defenders these four years before the bailies of Edinburgh, he can get "na outred befoir thame."—Both parties appearing,

Page 883.

the Lords assoilzie the defenders, because, the complaint having been referred by the pursuer to the oath of the defenders, they have declared by their great oath that it is not true. Acta 1601–2

Edinburgh, 5th June. Charge for renewed assurance between Stewart of Craigiehall and Dundas of Newliston.

The assurances between Hary Stewart of Craigiehall and Johne Dundas of Newlistoun having now expired, but the controversy between them not having yet been removed, there is order to charge both parties to subscribe such fresh form of mutual assurances as shall be presented to them, to endure till 1st June 1603, and to report the same for registration within six days after the charge, under pain of rebellion.

Edinburgh, 8th June.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Dunkeld; Ros; Haliruidhous; Kinlos; Privy Seal; Advocate; Collector; Clerk of Register; Sir James Sandielandis.

Mr. John Russell against Williame Glasgow and others claiming suspension of letters of horning obtained against them.

Complaint by Mr. Johne Russell, advocate, as follows:—Williame Glasgow in Grantoun, Jeane Fairlie there, and James Purves there, alleging that upon 25th May last they obtained decree before the Council ordaining the complainer to pursue them before the Justice within ten days thereafter for the treasonable burning of his house of Wester Grantoun, and in the meantime to pay to each of them during the said time 10s. daily for aliment (*ante*, p. 382), have obtained a charge against him for payment of the said expenses within 48 hours thereafter, under pain of rebellion. Now, the trial of the said crime pertains to the King and Council, and must be pursued at the instance of his Majesty's advocate; also, the said persons were put in ward by his Majesty's commission directed to the Sheriff of Edinburgh, by whom they were apprehended; and thereafter another commission had been directed to the provost and bailies of Edinburgh to receive them from the said Sheriff. "And this barbarous fact, being done under cloud and silence of nycht, sa neir to his Majesteis palice and publict resort of justice, can not be put to ane assyse befoir the tryall proceid: quhilk tryall is presentlie in handis, and the said complenar referris it to the declaratioun of the Justice quhat diligence and paine he hes tane; lyk as he is willing to persist to the end thairof and to enforme his Majesteis advocat and to furneis all probatioun requisite,—quhairof, praysit be God, the tryall daylie incressis; and it repugnis to all guid ressoun that baith the said complenar salbe the pairtie grevit and in the meanetyme gif ane aliment to the malefactouris quha hes conspyrit his deid,—quhilk wer to gif thame ane rewaird for thair evill doingis, bot speciallie seing thay have ane sufficient moyan of thair awne quhairupoun to leif, baith in guidis, cattle, scheip and cornes, quhairof thay have transportit ane guid pairt sen thair wairding furth of Grantoun to Piltoun,—quhilk salbe verefeit."—The pursuer appearing personally, and the defenders by Alexander Wilkie, their procurator, the Lords suspend the said letters of horning against the complainer till 29th June instant, upon which day he has undertaken "to enforme his Page 976. Page 977.

Acta 1601-2. Majesteis Thesaurar and Advocat, and to furneis all probatioun necessar aganis the saidis defendaris"; at which day "gif thay be clengit," the pursuer is ordained to pay to each of them 10s. daily for their expenses, counting from the day of the first ordinance to the said 29th instant.

Page 884. Complaint at the instance of Jonet Armour, daughter of the late George Armour of Flemyngtoun, and Mr. Johne Howiesoun, minister at Cambuslaine, her curator, for his interest, as follows:—In March last, Andro Yule in Flemyngtoun, Johne Yule, his brother, and Hew Hammiltoun in Reidlawis, with others, came to the house of Jonet Bryce, mother of the first complainer, and "violentlie ravischit and tuik hir furth thairof, and caryit hir with thame quhair thay pleissit," intending to entice her, "now in hir minoritie," to dispone the small living left her by her father, or else to marry her to some person "nawayis agreable to hir rank." They refuse to restore her.—The said minister appearing, and Androw Yule and Hew Hammiltoun being also present, the Lords assoilzie the defenders in so far as they are pursued by the said minister, in respect he is no "sic pairtie at quhais instance any sic persute for the cryme and fact abonespecifeit could be had." Edinburgh, 10th June. Mr. John Howieson, minister of Cambuslang, against Andrew Yule and others for the abduction of Janet Armour.

Complaint by the same Mr. Johne Howiesoun, minister at Cambuslane, as follows:—The ministers of the presbytery of Hammiltoun have lately ordained him to proclaim the bands of Androw Yule in Flemyngtoun and Jonet Armour, and intend, in case of his disobedience, to proceed to the censures of the Kirk against him. Now, the pursuer, having been chosen one of her curators, and having given his oath faithfully to administer her affairs during her minority, is bound to be "cairfull everie way of hir weill," and especially to hinder the marriage between her and the said Andro Yule, "seing the same caryis with it ane appeirand wrak and inconvenient to the said Jonet, becaus the said Andro, first in contempt of his Majestie and to the grit sclander of the Kirk, ravischit and tuik away the said Jonet, and, Page 885. being maister of hir, he craftelie delt and travellit with Jonet Bryce, hir mother, to consent to ane contract of mariage betuix him and hir said dochter." This contract of marriage, "past betuix the said Andro and the said Jonet Bryce as takand the burdyne upoun hir for hir said dochter," is unlawful without the consent of the daughter's curators; and, besides, the contract, having been prepared by Andro himself, is most hurtful in all its clauses to the said Jonet Armour, who is not yet past her 13th year, and therefore cannot foresee her own weal. "And sua, the said contract being unlauchfull in the self, and the actioun quhilk will result upoun the lauchfulnes or unlauchfulnes of the said contract being civile and nawayis competent to the jurisdictioun of the Kirk, the said complenar hes lauchfullie appeillit fra thair sentence to the commisseris of Edinburgh, quha ar ordinar judgeis competent in that mater,"—such procedure being in accordance with an Act of the General Assembly held at Dundie in May 1597, whereby ministers are forbidden to meddle in any civil matter.—Charge had been given to Mr. Thomas (? Johne) Murheid, minister at Cambusnethane, The same minister of Cambuslang against the presbytery of Hamilton in the same case of Janet Armour.

moderator of the said presbytery, and to the other ministers thereof, convened in the chaptery of the Kirk of Hammiltoun for the time, to appear this day and answer to the said complaint; and now, both parties appearing, the Lords discharge the said ministers from all farther proceedings against the pursuer for the cause libelled. Acta 1601

Falkland, 11th June.

Sederunt—REX; Fyvie; Uchiltrie; Treasurer; Newbottle; Haliruidhous.

Hamilton of Liberton against the Earl of Mar for unlawful horning.

Complaint by James Hammiltoun of Libertoun, as follows:—He has been put to the horn for non-appearance to answer a charge of houghing of oxen made against him by Johne, Earl of Mar (*ante*, p. 364). Now, he was never lawfully charged,—the knowledge of the horning not having come to his ears "quhill efter the useing of the said pretendit denunciatioun"; Page 886. otherwise he would have appeared and submitted himself to any ordinary trial, being "altogidder ignorant of that deid." Wherefore, and because he had found caution in £1000 to answer upon 20th May last to the said complaint, he pleads that the said letters of horning should be suspended simpliciter.—The pursuer having appeared on said day by Robert Hammiltoun, his brother, and the Earl by Mr. Williame Erskene, parson of Campsie, the matter had been continued to this day. And now, the pursuer and defender appearing personally, and the Earl having produced the said letters of horning, and Hammiltoun having answered that, the complaint against him being criminal, the King and Council are not judges competent, and the Earl having replied that, although the complaint is criminal, he "past fra all criminall persute and wald onlie insist in the persute of this complaint befoir his Majestie and his Counsall, to be puneist efter dew and lauchfull tryall at the arbitrement of his Majestie and his Counsall," the King and Council find the complaint within their cognisance, and assign to the Earl 8th July next for proving "the cutting of the said Erlis streikit pleuch upoun his awne landis and maynis of Lempettis, hocheing of his oxin being drawand in the said pleuch, breking of the said pleuch in peiceis," and the pursuit of his ser- Page 887. vants for their slaughter, alleged to have been committed in March last by James Hammiltoun, son and apparent heir of the pursuer, Johne Hammiltoun, *alias* the Page, Andro Hammiltoun, son of Mathow Hammiltoun, officer at Strathevin, Alexander Murray, servitor to the said James, younger, James Murray, son of Williame Murray in Libertoun, all armed with jacks, steelbonnets, lances, swords, hagbuts and pistolets, and all specially instigated by the said pursuer.

Suspension of horning against the same Hamilton of Liberton.

Complaint by the same James Hammiltoun of Libertoun, as follows:—He has lately been put to the horn for not answering to a complaint by James Lennox, messenger, to the effect that he had hounded out his servants in pursuit of the said messenger while he was executing the King's letters against him at the instance of Williame Erskene (*ante*, p. 364). Now, the said letters were "impetrat be the said James Lennox upoun

Acta 1601-2. sinistruous and wrangous informatioun maid be him, thair being na sic caus trew in the self as is contenit in the saidis letters: lyk as the said James Lennox, knawing the said assertioun to be untrew, causit prevelie execute the saidis letters aganis him, quhairthrow the citatioun thairof come never to his knawlege." Wherefore, and because he had found caution in £1000 to answer to the complaint upon 20th May last and also to pay to the Treasurer £1000 for his escheat if he had been orderly put to the horn, the said letters ought to be suspended.—Both parties appearing, the Lords, in respect of the pursuer's compearance, do suspend the said letters.

Page 888. *Sederunt*—Cancellarius; Mar; Newbottle; Thesaurarius; Secretarius; Ros; Dunkeld; Haliruidhous; Advocatus; Clericus Registri; Justice Clerk. Holyrood-house, 15th June.

To denounce Robertson of Struan. Complaint by Dioneis Scot, and Johne Scot, his brother, flesher in Perth, that, upon Sunday, 12th April last, at nine before noon, while they were going to church, Robert Robertsoun of Strowane, with his servants, violently apprehended them and carried them to their own lodging, where they spuilyied them of their purses, "boisting thame with present death."—The pursuers appearing, the defender, for not appearing, is to be denounced rebel.

Suspension of horning against James Gibson. Complaint by James Gibsoun in Glenfrucoch, as follows:—He has been put to the horn for not appearing to a complaint against him by Symone Purdy, messenger, and Robert Phillope, his procurator, alleging that he had hounded out certain persons to take a horse from the said Symone, and had promised to restore the same if Symone would supersede the registration of a horning executed against him at the instance of Johne Weir in Abaygrene. Now, as he had never been lawfully charged, so that his non-appearance had proceeded from "misknawlege," and as he
Page 889. had found caution in £100 to answer to the complaint upon 12th June, the letters of horning ought to be suspended.—The complainer appearing, but not the defenders, the Lords do suspend the letters, but ordain complainer to find caution to underlie the laws when required for the crimes specified in the said letters, under pain of .

The bakers of Brechin against the magistrates of that city for interfering with a privilege of their craft. Complaint by the deacons of the baxter craft of Brechin, as follows:—Although the said city was erected of old into a free burgh royal, with the privilege of guildry and deaconry of each craft, "yit, pairtlie be the negligence and sleuth of the magistrattis of the said citie for the tyme, that pairt of the liberteis of the said citie anent the establischeing of deaconis ouer everie craft wes ouersene and pretermittit;—quhilk gaif occasioun of manyfauld abuses and corruptionis in every craft; quhilkis being at lenth espyit, als weill be the magistrattis as be the honnest men of craftis within the said citie, and the haill body of the toun being convenit for reforming of the saidis abuses, in end it wes found that the onlie meane to reforme these abuses wes to establisch deaconis in every

craft, according to the custome observit in all utheris his Majesteis weill governit townis." Accordingly, by an Act dated 3rd October 1600, it was ordained that the whole of the freemen of the crafts of skinners, cordiners, smiths, tailors, baxters, weavers, bonnetmakers and fleshers, should thereafter meet 20 days before Michaelmas, and elect a deacon of each craft, with collector, officer, and other members requisite. Complainers had expected to enjoy the liberty so provided and to elect deacons of their craft annually; but the magistrates of the said city, "be the instigatioun of some inhabitantis thairof, quhais bipast abuses in thair craft the saidis complenaris hes preissit to represe and remove," are now endeavouring to "undo the libertie and privilege of thair craft establischit and grantit to thame in maner foirsaid."—Charge had been given to David Lindsay and Robert Pollok, bailies of the said city, to maintain the complainers in the peaceable enjoyment of their said privilege within six days after the charge, under pain of rebellion, or else to appear before the King and Council upon the 10th day after the said charge to answer the complaint; and now, the pursuers appearing by George Tailyeour, baxter, but the defenders not appearing, there is order to charge the defenders again to secure the said liberty for the pursuers within six days after the charge, under pain of rebellion.

Acta 1601-2.

Page 890.

To denounce MacLean of Duart.

Hector M°Clane of Dowart, failing to appear as charged to render obedience to his Majesty, find caution to pay the King's maills and duties, and answer touching the "slauchteris, heirschipis and depredationis" committed by him upon the King's own tenants of his Majesty's Isles of Oronsay and Colonsay, is to be denounced rebel.

Suspension of horning against Kennedy of Blaquhan and son anent their shares of the taxation of the Priory of Whithorn.

Action by Johne Kennedy, elder of Blaquhan, and James Kennedy of Crugiltoun, his son, as follows:—They are charged by Alexander Stewart of Gairleis, under pain of rebellion, to pay him within a certain time, for his relief of the taxation of the priory of Quhithorne, certain sums for their parts of the taxation of 100,000 merks,—viz., for the teinds of Revingstoun belonging to the said Johne, £25 for the teinds of Crugiltoun belonging to the said James, and £26 for the said James's two mills of Port and Quhithillis. Now, by the form prescribed by the feuars, tacksmen and pensioners of the said priory, for allotting the taxation of the same, when they were convened to that effect by the Laird of Gairleis, it was ordained, with advice of the said Laird, that for every poundland of the said priory there should be uplifted 20s., for every boll of teind victual 40d. or else half of the duty contained in their tacks, and for every mill (which is estimated at a poundland) 20s. But the rental of the teinds of Revingstoun extends only to eight bolls victual,—the tax whereof would, by this regulation, be only 26s. 8d.; rental of the lands of Crugiltoun extends only to ten bolls victual,—the tax whereof would be only 33s. 4d.; and the tax of the said two mills would be only 40s. Nevertheless, the complainers have consigned the sum of £5 in the hands of Archibald Prymrois, and found caution for payment, if required, of the balance charged for; and therefore the said letters of horning ought to

Page 891.

Acta 1601–2. be suspended.—The pursuers appearing by Williame Bryane, their procurator, but the Laird of Gairleis not appearing, the Lords do suspend the said letters.

Edinburgh, 16th June. Charge for renewing the assurances between the Lindsays and the Ogilvys.

The assurances passed between Alexander, Lord of Spynie, Hary Lindsay of Kinfawnis, Sir Johne Lindsay of Wodheid, David Lindsay, fiar of Edzell, Patrik Lindsay of Barneyairdis, Thomas Lyell, fiar of Murthill, David Lindsay of Vane, Sir Walter Lindsay of Balgayis, Johne Lindsay of Balhall, David Lindsay, apparent of Kynnettlis, Alexander Lindsay of Kethik, Alexander Lindsay, apparent of Kethik, David Lindsay of Querrelhill, Williame Foullartoun of Ardo, Robert Erskene of Ardestie, Williame Rynd of Kers, Johne Rynd, apparent of Kers, Williame Stewart, brother of Johne, Earl of Athoill, Johne Erskene of Carbuddow, Johne Ramsay of Jordanestoun, , son natural of David, Earl of Craufurd, and George Ramsay of Banff, on the one part, and James, Master of Ogilvy, Sir Johne Ogilvy of Craig, Mr. David Ogilvy and George Ogilvy, sons of Lord Ogilvy, Sir Johne Ogilvy of Innerquharitie, James Ogilvy of Balfour, David Ogilvy, brother of Innerquharitie, David Ogilvy of Bannaboith, Robert Lichtoun, son and apparent heir of Robert Lichtoun, fiar of Ulissane, Archibald Ogilvy of Kelour, Henry Futhie, fiar of Boysak, Futhie of Gwynd, Francis Ogilvy, son of the said Lord Ogilvy, Thomas Fothringhame of Powrie, Thomas Cullace of Pitforky, Johne Lamb of Dunkeny, Patrik Ogilvy of Inchmartene, Johne Stirling, fiar of Breky, James Ogilvy of Clova, James Ogilvy, fiar of Clova, and James Ogilvy of Athcrach, on the other part, being now expired, but the quarrel between them yet remaining, there is order to charge both parties to subscribe, within six hours after the charge, under pain of rebellion, such new form of mutual assurance as shall be presented to them, to endure till 1st June 1603.

Page 892.

To denounce George Mure and others for not answering to a charge of spuilyie.

Complaint by George Murray of Brochtoun, as follows:—Allane Mure, son of George Mure in Halmyre, Williame Mure, son of James Mure in Daldavan, George Mure in Halmyre, James Hair, James M°Molle, Johne Edger, Johne M°Robertoun in Keltoun, with others, all armed, came in June 1599 to the pursuer's lands of Drumboy, occupied by his tenant Charlis Carsane, and masterfully reft out of his barnyard 20 bolls of bear, being the ferm bear of the complainer and kept there for his use. Farther, the said Allane, accompanied by George Mure, his father, in Halmyre, James Hair, Johne M°Millan, Johne Edger, Johne M°Robert in Keltoun, with others, to the number of 16 persons, all armed with hagbuts and pistolets, came upon 4th May last to the complainer's lands of Kirkcassell, lying in the stewartry of Kirkcudbrycht, broke open his barns wherein there were three score bolls of bear, took part thereof with them, "and keist and destroyit ane uther pairt of the same in dubes and myris that wes besyd the barne-dur", thereby committing "maist schamefull oppressioun" upon him.—Charge had been given to answer for the act of 4th May; and now, the pursuer appearing, but none of the defenders, the order is to denounce them rebels.

Holyrood-house, 17th June.

Sederunt—Cancellarius; Fyvie; Newbottle; Haliruidhous; Justice Clerk; Advocate; Clerk of Register; Tracquair; Elimosinar. Acta 1601-2. Page 893.

Bailies of Brechin against the baxters of the said city for reduction of the decree obtained by the latter: renewed decree in favour of the baxters.

Complaint by the bailies of the city of Brechin, as follows;—For their non-appearance to defend the action raised against them by the deacons of the baxters of the said city, they are decerned, under pain of rebellion, upon a simple charge of six days, to maintain the said baxters in the enjoyment of the liberties claimed by them (*ante*, p. 391). Now, the original charge, requiring complainers to defend the baxters in their privilege, or else to appear before the King and Council and show cause to the contrary, had not appointed the place for their compearance, as is usual in such letters. Accordingly, the commissioner sent by complainers to defend in the matter, knowing that the King was at Falkland, and trusting that the Council would also be there, had gone to that place upon 15th instant, the day appointed, and had waited there nearly all that day. Understanding, however, that no Council was to meet there, he had gone as soon as possible to Edinburgh, but had reached Edinburgh shortly after the dissolving of the Council. Had he been in time he would have proponed many reasons that would have stayed the said decree against complainers, and chiefly the following:—The magistrates of Brechin, considering the "inhabilitie and povertie" of the baxters of that city, disabling them from sufficiently furnishing the town with bread, had convened the masters of the said craft and laid to their charge the "grit hurt" sustained by the lieges and the "grit sclander and reproche to thair towne" caused "be the want of breid." The baxters had then acknowledged their default, confessing that they had not substance or credit Page 894. enough, and had therefore submitted themselves to the said magistrates and promised to fulfil any prescription of theirs in that matter, as an act of court of the said burgh, dated 18th February 1602, bears. Moreover, the "grit counsall" of the said city, "haveing convenit upoun the submissioun and haveing a speciall cair and regaird how the toun mycht be servit and his Hienes liegeis furneissit, and respecting thairwithall the inhabilitie of the saidis baxteris to do that turne," had, upon 14th instant, ordained that it should be lawful to all the freemen of the said town to buy flour, meal, or any other baking stuff, and "caus baik the same upoun sic ane measour and pryce as sould be sett doun," and that, "in cais the baxteris refuisit to baik the same," the baxters should lose their freedom. It is the inability of the baxters to furnish the town and their said voluntary submission that have prevented the complainers from assisting them in the enjoyment of their privilege, according to the charge given them.—The complainers appearing by Mr. Thomas Ramsay, their procurator, and the baxters by George Tailliour, baxter, burgess of Brechin, the Lords find the decree already given in favour of the baxters to have been lawfully pronounced, and ordain the same to be executed, because they have found caution in 300 merks to provide themselves sufficiently with wheat for furnishing the town of Brechin and the country thereabout with bread.

Acta 1601 2. Complaint by Henry Wardlaw, chamberlain of Dumfermling, as follows:—The following persons were put to the horn at the instance of Williame Schaw, master of work and the Queen's chamberlain, for non- Page 895. payment of the sums underwritten, due by them as part of the maill of Ettrik-Forrest: viz., James Scot of Quhithoip, £424; Mr. Arthour Scot of Glemmiliscleuch, £70; Robert Scot of Thirlestaine, £51, 13s. 4d.; and Williame Scot of Hartwodmyris, £14. The said rebels remain at the horn as yet unrelaxed; and, as they are Sir Walter Scot of Branxholme's men, Robert Scot of Hanyng, who acts for the Laird of Branxholme during his absence furth of this realm, is bound to enter them before the King and Council.—The pursuer appearing, Scot of Haning, for neither appearing nor having produced the said rebels, is to be denounced rebel. To denounce Scott of Haning for not entering certain rebels.

Page 907. Charge had been given to Alexander Stewart of Garleis, Sir Johne Gordoun of Lochinvar, Sir James Dowglas of Drumlangrig, Robert Dalzell, younger of that Ilk, Williame Crychtoun, sheriff-depute of Nithisdaill, Williame M°Clellane of Auchlane, tutor of Bomby, and Williame Greirsoun of Lag, to answer this day for their "wilfull and contemptuous refuisall" to accompany the warden of the West March to a day of true kept between him and the opposite warden upon 7th May last. The Laird of Lag appearing personally; and the Laird of Drumlangrig appearing by James Dowy, his procurator, who produces a testimonial, dated at Drumlangrig 14th June, with the subscriptions of Williame Tailyeour, minister at Cunram, James Dowglas, reader at Penpont, and James Reid, chirurgeon, bearing that the said Sir James was, from 8th May last to 10th instant, "havelie diseasit in extreme seiknes, and thairby unable to travell furth of his awne place of Drumlangrig"; and the Laird Page 908. of Lochinvar appearing by George Redik, his procurator, who alleges that the said Laird, in respect of his age, was not able to travel; and Williame M°clellane appearing by his procurator, who produces a letter subscribed by Sir James Johnestoun of Dunskellie, warden of the West March, excusing the tutor's absence on the day of true on the ground that his office of tutory had expired and that he had sent his servants, with the inhabitants of the burgh of Kirkcudbrycht, to the day of true; but the said Laird of Garleis, Williame Crychtoun and Robert Dalzell, having failed to appear: the Lords excuse the absence of the said Sir James Gordoun of Lochinvar and Williame M°Clellane, assoilzie the Laird of Lag, because he has declared by his great oath that on the said day he was unable to ride, being subject to a "certane disease and infirmitie," and ordain Stewart, Dalzell and Crychtoun to be denounced rebels for their non-appearance. Certain Border lairds sued for not accompanying the Warden of the West March to a "day of trew."

Page 895. Alexander Colquhoun of Lus having, in May last, apprehended Robert M°Gregour, son of Duncane Abrach M°Gregour, a common thief, in the actual committing of theft in the Lennox, and having thereafter, without Page 896. warrant, released the said thief, whom by the laws he ought to have presented before the Justice, is ordered to enter him before the King and Council to answer for his "insolent behaviour," under pain of rebellion. Edinburgh, 19th June. Charge to Colquhoun of Luss to enter a certain thief.

Sederunt—Ut in die predicto. Acta 1601-2.

Holyrood-house, 24th June.

Protest in favour of Robert Montgomery.

Robert Montgomery in Haltoun, appearing and giving in a copy of letters raised by Johne Mylne, burgess of Dundie, charging him to answer this day for his alleged reset of Isobell Lowsoun, spouse of the said Johne, and of Alexander and Johne Lowsonis, her brothers, with certain goods reft furth of Mylne's house and booth in Dundie, protests, in respect of the non-appearance of the said Mylne, that he shall not be held to answer farther till newly warned; and the Lords admit the protest.

To denounce Ker of Fernihirst.

Complaint by James Knycht in Fischerraw, as follows:—Upon 25th May last, Wattie Daviesoun, called Wattie of Calelie, and Richie Daviesoun of Byrnrig, younger, came to Jedburgh, where the pursuer was for the time, and stole furth of the stable his two nags, which were afterwards resetted by Andro Ker in the Gilleis Toungis, servitor to Sir Andro Ker of Phairnyhirst, and are still kept by the said Andro. As Andro is not answerable himself to the laws, his said master, the Laird of Phairnyhirst, ought to enter him.—The pursuer appearing by George Newtoun, his procurator, Sir Andro, for neither appearing nor having entered his said servitor, is to be denounced rebel. Page 897.

To denounce James Crichton, messenger, for malversation of office.

Complaint by Sir George Home of Spot, treasurer, for his Majesty's interest, and George Murray of Brochtoun, as follows:—They had lately raised letters against Johne Ahannay, apparent of Sorbie, Alexander Cunynghame of Powtoun, Robert Ahannay of Boighous, and certain others, for using hagbuts and pistolets in violation of the laws, and for committing oppression on the said George; and the said George, upon 31st May, had sent the said letters, with payment for their execution, to James Crychtoun, messenger, who had received the same on 1st instant from Johne Ramsay, servant of the said George, and faithfully promised to execute them and return them. The said messenger, however, by collusion with the persons complained against, has not executed the said letters, but "hes delyverit the same to the said pairteis thameselffis,—at the leist hes cancellit the same."—The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

Edinburgh, 24th June.

Mr. John Dempster, advocate, against Mr. William Leslie of Sivilie for suspension of letters of horning.

Action by Mr. Johne Dempster, advocate, as follows:—Johne Leslie of Balquhan and Mr. Williame Leslie of Civilie have raised letters of horning, in their own names and in that of Sir George Home of Spot, treasurer, charging pursuer to find caution in 3000 merks, under pain of rebellion, not to reset or intercommune with Johne Gordoun, younger of Achannachie, James Dempster in Craigmiddertie, Alexander Dempster at the Kirk of Ruthvenis, George Gordoun in Dreidheid, James Gordoun at the Mill of Ruthven, Thomas Baillie, son of Walter Baillie in Hauchis, and Johne Barroun in Pittindrich, alleged to have been put to the horn at the instance of the said Johne and Mr. Williame for not finding caution to appear before the Justice in the tolbooth of Edinburgh, to underlie the laws for art and part in the slaughter of Gilbert Leslie. Now, the said letters are raised "only upoun malice of the said Mr. Williame," there Page 898.

Acta 1601–2. Page 899.

being no certainty that the alleged rebels are denounced, but, on the contrary, "the bruit of the north pairtis of this realme, quhair the saidis personis remanis", being "maist constant" that they repair to kirk and market like the rest of the lieges. Farther, the said James Dempster has this year past been continually in company with the said Johne and Mr. Williame, and has received from them a letter of slains for the said slaughter. And, as for the other alleged rebels, the pursuer has not been north beyond Brechin these 17 years bygone, and never saw any of them; and so defenders might, "under cullour of some uther men and geving to thameselffis uther names," pretend that complainer had intercommuned with them and so draw him into danger. Moreover, as such intercommuning is capital, he ought not to be required to find caution for not committing it any more than for not slaying a man; and, still further, "being bot ane meane man, resident within the burgh of Edinburgh, awaitand upoun the College of Justice as ane ordinar member thairof, and haveing na uther moyane, landis, nor heretage, except onlie ane small rowme not gevand above four scoir pundis be yeir, quhilk the said Mr. Williame Leslie hes causit the said James Dempster to bereif him of, and quhome he hes at the horne for the said oppressioun," complainer cannot possibly find caution under so great pains. For these reasons, and because, in testimony of his "efauld obedience," he has found caution to the effect abovewritten if he shall be required, he prays for suspension of the said letters.—The pursuer appearing, but none of the defenders, the Lords do suspend the letters.

Page 900.

Perth, 25th June. Anent the affairs of the Kirk, with an order as to the time and place of meeting of the next General Assembly.

"Forsameikle as in the General Assemblie of the Kirk dyvers godlie ordinanceis hes bene concludit fra tyme to tyme, and oftymes the maist wechtie effairis of the haill Assemblie resolvit in commissionis, quhilkis for laik of executioun for the maist pairt hes bene hithertillis ineffectuall, quhairthrow the authoritie of the Kirk hes bene brocht in contempt, thair actis misregairdit, and wickednes throuch houpe of impunitie confermit mair and mair; and albeit the Kingis Majestie, of his earnest and godlie cair towardis the furtherance of the gospell, hes gevin his Hienes awne presence in persone to sindrie lait Assembleis, thairby to conciliat the gritar reverence of his Hienes subjectis to thair ordinanceis, and to steir up thameselffis to a greitar cairfulnes in the executioun of thair awne determinationis; yit, to his Hienes greif and just offence, his Majestie hes found the cheifest mater of new Assembleis, namelie sic as tendis to a generall ordour and weill of the Kirk, put to dew executioun befoir the new Assemblie. And, becaus his Majestie hes tryit and foundin that, notwithstanding that at the last Generall Assemblie haldin at Bruntiland thair wes dyvers wechtie and necessar commissionis gevin quhilk can nather be renewit with graver avyse nor greitar authoritie, yit the same ar nawayis execute, nather can thay be convenientlie execute befoir the ordinar tyme appointit for the meiting of the nixt Assemblie; and seing lykwayis it is necessar that the groundis of the Constant Platt be con-

cludit and have the allowance of the Generall Assemblie befoir the tyme of the modification of the nixt yeiris stipend, quhilk can not be put in forme and had in reddynes in sa schort tyme: Thairfoir, and becaus of dyvers his Majesteis necessar and honnorable adois, quhilk will not suffer his Hienes awne presence at the appointit tyme of this nixt Assemblie, his Majestie hes thocht necessar and expedient that the tyme of the nixt General Assemblie salbe continewed to the secund Tuysday of November nix to come, then to be haldin at Edinburgh, as the maist convenient place baith in respect of his Hienes awne residence and lykwayis for the ease of the ministrie, quha utherwayis sould be put to double travellis in keiping of the Assemblie and of the Conventioun for the Platt. Quhairfoir, his Majestie ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and utheris placeis neidfull, quhairthrow nane pretend ignorance of the same, and to chairge all commissionaris of the Generall Assemblie appointit for visitationis to dischairge thair commissionis with diligence, and to bring thair reportis formallie with thame to the said Assemblie, under the panis contenit in the last proclamatioun maid thairanent."[1] Acta 1601-2.

Perth, 26th June. Caution for the bakers of Brechin.

Registration by Mr. Robert Young, as procurator for the parties, of a band of caution by David Dempster, younger, citizen of Brechin, and Thomas Schewane, also citizen there, for the masters and freemen of the baxter craft of the said city, that they shall in all time coming provide themselves sufficiently with wheat and all other necessaries for furnishing the said town and country thereabout in bread, under pain of 300 merks. Subscribed at Brechin, 22nd June, before Alexander Wylie, servitor to James Prymrois, and writer hereof, George Dempster, skinner, citizen there, Williame Bruce, deacon of the "brabnaris" craft of the said city, Johne Quheit, citizen thereof, and George Wrycht, notary,—the latter, with Mr. Alexander Ramsay, notary, subscribing for the said Thomas Schewane. Page 901.

Perth, 28th June.

Sederunt—Cancellarius; Thesaurarius; Secretarius; Dunkeld; Computorum Rotulator; Sir Thomas Erskene; Sir Patrik Murray.

Day assigned to the Baron of Kilravock for proving certain charges of his against the Sheriff of Moray and others.

The 22nd July next is assigned to Williame Ros of Kilraok for proving the following points of the summons executed by him against Alexander Dumbar of Westfeild, sheriff of Murray, Alexander Dumbar of Tarbett, Nicolas Dumbar of Boigis, and Robert Dumbar of Burgy—(1) their bringing into the country of Murray Allaster M°Eane Oig and his accomplices underwritten, thieves, broken men and sorners of clans; (2) their reset of them within their bounds the whole month of November last; (3) their reset of them at least divers nights and days after their murder of Alexander Page 902.

[1] In connexion with this entry see *ante*, pp. 379, 380, and footnote there. The entry itself, both in matter and in manner, illustrates very strikingly the attitude of command in which the King was able now to place himself in all his dealings with the Kirk and the clergy.

Acta 1601-2. M°Mitchell in Geddes, the pursuer's servant, and spuilyie of his goods, upon 23rd July last; (4) their reset of them after their burning of the place of Geddes, belonging to the pursuer, upon 28th September last; (5) their reset of them before and after their hership of the lands of Fernes and Auchnabechin upon September last; (6) their reset of them before and after their hership of the house and lands of Geddes upon 25th July last; (7) their reset of them after their hership of the "town" of Little Enoch upon 12th June 1601; (8) their bringing of the said thieves within the country at midsummer 1601, and entertainment of them for two months thereafter by a "collectioun and stent lifted be the said Sheref of Murray and his freindis foirsaidis upoun the haill landis inhabite be thair kin and freindschip"; (9) their comprehending of the said thieves in the assurance given by the said Sheriff and his friends to the Baron of Kilraak in August last,—in which assurance the said Sheriff and his friends became answerable for the said Allaster and his accomplices underwritten till he passed home to his own country of Glenko. His Majesty ordains the part of the summons anent the assurance foresaid to be proven by "sic baronis and gentilmen as wes travellaris in the
Page 901. said assurance." Follow the names of the said thieves: viz., Allaster M°Eane Oig, Allaster and Donnald M°Innes, Ewne M°Eane M°Findlay Roy, Johne Owir M°Conneill M°Innes Mole, Donald M°Indoy M°Innes Mole, Allaster M°Conill M°Farquhar Gillichallum and Paull M°Farquhar, his brother, Gillespik M°Callane M°Anedoy, Johne M°Conneill Glas M°Gillichallum, Eir Neill Garrv, Donnald M°Lauchlane M°Gillespik M°Amene, George Ros, Henry Roy M°Otter, Williame M°Williame Bane, David and Williame Chisholmes, Johne Tulloch, Alexander Doles, Alexander and Williame Dempsteris, David Gowie, George Ros, son of Andro Ros in Turreich, Donnald M°Annarich, his servant, James Ros, son of the late William Ros in Kinstairie, Allaster M°Eane Oig of Glenko, Donnald M°Lauchlane, James Bane, Johne Bane, his brother, Neill Assin, Allaster M°Conneill Roy, George Ros, Patrik Sinclar, Thomas Sutherland, Alexander M°antone M°Ewne, George Dumbar, brother of Johne Dumbar of Moynes, Patrik Dumbar in Golfuird, Allaster M°Eane M°Innes, Ewne M°Eane M°Findlay Roy, Johne Owir M°Conneill M°Innes Moyle, Rory M°Eane Oig, James Bane, Allaster Dow, Williame M°Eane M°Hucheoun, Alexander Stewart, Anthone Andersoun, cook to the Laird of Moynes, George Dow, Donald M°Indoy, Allaster M°Eane V°Innes, Donald, his brother, Ewne M°Conill M°Findlay, Neill Garvy, Paull Roy, Allaster Roy, his brother, Donald Lewsach, Williame Inche, James Gould, Walter Fraser, Johne Boy Grant, Johne Myllar, miller at Edinkillie, Allaster Roy, Ewne M°Gillespik and Donald Monro.

Day assigned to the Commissary of Inverness for proving charges against the Sheriff of Moray and others.

Page 902. The same 22nd July next is assigned to Johne Campbell, commissary of Invernes, for proving the following point of the summons executed at his instance against the said Sheriff of Murray, Alexander Dumbar of Tarbett, Patrik Dumbar of Culboyak and Mark Dumbar of Durris, (1) their having brought into the country Allaster M°Allaster V°Ane V°Innes, Donnald, his

brother, and Donnald M^cEane Dow V^cInnes Weill V^cGlassarich, "in the revenge of thair particularis aganis sic as thay pretendit quarrell to"; (2) the said Sheriff's reset of the said persons in the place of Forres and furnishing them with food for two days after their sorning upon James Buchane, servitor to the pursuer, upon 3rd January last; (3) Patrik Dumbar of Culboyak's intercommuning with the said Donald M^cAlaster, Johne, Angus and Ronnald, his brothers, on 26th February last,—upon which day and immediately after the said communing they burnt the houses of Moy, murdered James Buchane, Patrik Buchane, his son, and Robert Andersoun, his servant, and reft their goods (*ante*, p. 370); (4) Mark Dumbar's resetting of the said persons immediately after the said burning, he and his friends being "convenit at the sicht of the fyre"; (5) the knowledge of the Sheriff and his friends that the said broken men were in the wood of Tarnoway within the shire of Forres all that night without shouting or pursuing them; (6) the fact that the said broken men dined the next day with Alexander Dumbar of Dunduff, father-brother-son of the said Mark, and dwelling on his lands; (7) the frequent reset by the Sheriff and his said friends of the said broken men within their bounds, and suffering them to pass through the same "unschowtit, followit or persewit"; (8) the reset by the said Mark, Alexander and Patrik, of the said John, Angus, Donald and Ronnald M^cAllasteris V^cEane V^cInnes, and their furnishing them with food divers days and nights before and after their hership of the lands of Moy committed on May last; (9) the reset by said defenders of Johne M^cConneill V^cIntagirt and four other thieves for ten days before the last spuilyie, and keeping them as "spyis to try out quhair thay mycht get the said commisseris guidis,"—which being got, and with them some of the said Patrik's goods, the said Patrik followed and got his own restored, but suffered them to depart with the pursuer's goods.—The pursuer and defenders, being present, are warned hereof.

Acta 1601-2.

Page 903.

Day assigned to Dunbar of Tarbet for proving certain charges against the Baron of Kilravock and others.

The same 22nd July next is assigned to Alexander Dumbar of Tarbett for proving the following points of a summons executed by him against Williame Ros of Kilraak, Hucheoun Ros, his son and apparent heir, Johne Ros, provost of Narne, Patrik Ros, his son, David Ros of Holme, and Johne Ros of Cantray: viz. (1) their reset of David Ros Williamesoun, Williame Ros, his brother, Allaster Ros in Airdrie, Johne, Walter and David Rossis, his brothers, Angus M^cAnnoy, Ferquhar Bow and Ewne Dow, thieves and sorners of clans, before and after their burning of the houses of Dunfaill on 15th May 1600, and before and after their burning of the barns, byres and kilns of Dunphaill upon 28th September last; (2) the companionship of the said thieves with the Baron of Kilraak to certain of his trysts; (3) their having pasturage within his bounds; (4) the Baron's having taken the said thieves under his assurance.

Page 904.

Charge to the Sheriff of Moray and

Charge to Alexander Dumbar of Westfeild, sheriff of Murray, to enter in ward in the castle of Blaknes, and to remain there till order be taken

Acta 1601–2. with him for having raised taxation in Murray for the entertainment of the broken men brought into the country by the Dumbaris against the Rosses (*ante*, p. 398). Charge also to Alexander Dumbar of Tarbett, Patrik Dumbar of Culboyak, and Robert Dumbar of Burghie, to enter in ward in the burgh of Edinburgh, there to remain till they find caution conform to the general band. other Dunbars to enter in ward.

The Lords ordain Lauchlane M°Intosche of Dunnauchtane and Williame Ros of Kilraak to be answerable for David Ros Williamesone and Williame Ros, his brother; and the said Lairds, being present, promise to that effect. Lairds of MacIntosh and Kilravock to answer for two offenders.

Complaint by Colene Eviot of Balhoussy, as follows:—Upon a "sinister narratioun maid to his Majestie" to the effect that Agnes Hepburne, relict of Johne Ros of Cragy, claiming right to the teind sheaves of the parsonage and vicarage of Perth, on the one side, and the pursuer, on the other side, claiming possession of the teind sheaves of his own lands, which are a part of the teinds of the said kirk, meant to maintain their rights by convocation of the lieges in arms, letters had been directed in August last, arresting the said teinds in the hands of the tenants of the ground till it should be decided to whom they belonged, and charging the complainer Page 905. to desist from intromitting with the same, under pain of rebellion. For his alleged disobedience, he has been put to the horn by George Mathow, messenger, at command of the said Agnes. Now, the said messenger had no warrant to denounce complainer by virtue of the said letters, "the same beiring a certificatioun, gif he failyeit, that he sould be denounced," and the said officer having "denuncit the said complenar the self same day of the geving him the chairge." Farther, it is not true that either of the said parties intended to make convocation for leading the said teinds. Again, the said letters ought not to have been granted without the pursuer having been called for his interest; and, had he been called, he had sufficient reasons for staying the same. He and his predecessors, past memory of man, having been in peaceable possession of that part of the said teinds, he ought not to have been troubled therein till dispossessed according to law; and, besides, the said letters of horning had been wrongously granted, inasmuch as the same had already been refused by the King and Council "as maist unressonable," on the ground that the Lords of Session are the only judges competent to such arrestments and sequestration of teinds. Altogether, the said letters have been procured only to "brangle and trouble" complainer, and ought to be suspended simpliciter.—The complainer appearing, but not Agnes or George, the Lords do suspend the said letters. Suspension of letters of horning against Eviot of Balhoussie anent melling with certain teinds.

Complaint by Johne Williamesoun in Carie that, upon 18th March last, Androw Jacksoun and Mathow Methven in Newburgh came to his house at 12 o'clock noon, stole from him a cow with calf worth £40, and Page 906. assaulted himself to the effusion of his blood.—The pursuer appearing, the defenders, for not appearing, are to be denounced rebels. To denounce Andrew Jackson and Matthew Methven.

Complaint by Hew, Mr. Johne and Archibald Douglassis, sons of the

Hew Douglas and others against the Baron of Kilravock and others for resetting certain rebels.

late Agnes Leslie, relict of the late Mr. Archibald Douglas, provost of Elgyne, as follows:—Albeit Mr. Alexander Innes, Mr. George Innes, Williame Innes, skinner, Robert Innes of Coittis, Johne Innes, *alias* M^cTarrie, and Robert Innes, flesher, had long ago been put to the horn for not finding surety to underlie the laws for the slaughter of the said Agnes, they still continue in their rebellion, the chief cause thereof being the encouragement given them by Williame Ros of Kilraak, Williame Ros, burgess of Narne, Johne Campbell, commissary of Inuernes, and Walter Kynnaird of Cowbin, who reset and entertain them at all times and occasions.—Charge had been given to the said defenders, with Mr. Johne Innes of Haltoun, to answer; and now, the said Archibald appearing for himself and the other pursuers, and the defenders being also present, the Lords assign 22nd July to the pursuers for proving their complaint. Acta 1601-Page 907.

Band given by the Chief of the Macgregors to the Earl of Argyle for the future good behaviour of his Clan.

Band by Allaster M^cGregour of Glenstra to Archibald, Earl of Ergyle, presented by Mr. James Kirk, procurator for the said Earl, for the information of the King and Council, and ordered to be registered, as follows:—Striviling, 22nd April 1601.—The said Alexander, appearing before the said Earl, justice-general of Scotland, his Majesty's lieutenant in that part, bound and obliged himself to make furthcoming to justice all persons of his surname for all crimes to be committed by them or any of them in time coming, "except for sa mony of the surname as he sall qualifie to have maisteris and landislordis," proving that he has "na resett, mantenance or defence" of these persons,—at which time he shall be no farther answerable for them, conform to the Acts of Council made thereanent. And, for the better performance hereof, the said Alexander shall enter in pledge to the said Earl Johne Dow M^cCondochy V^cAllaster, Patrik Gir M^cIllechallum Glas and Findlay M^cWilliame, as soon as possible, he himself, with Malcolme M^cDowgall Keir and Duncane M^cPatrik V^cDougall Keir, to remain in ward till he enter the said three pledges, or else Johne Dow M^cDow M^cGregour, his brother, with other two of his surname; and, the said three pledges or any of them being deceased or executed, or freed by the said Alexander, he shall enter others in their places,—"makand continuallie, but intervall, thrie of his surname to remaine as plegeis, and speciallie thrie of the personis following," viz., Johne Dow M^cEwne, Duncane M^cEwne, his brother, Johne Dow M^cIlfadrik V^cRobert, Robert Abroch M^cGregour, Patrik M^cIndowy in Ranoch, Archibald M^cCondochy V^cAllaster, George Scoroch and Duncane M^cFadrik, or any other of his surname for whom he ought to be answerable, under loss of his lands to the said Earl for ever, or else to qualify the same to be other masters' and landlords' men without his maintenance and defence. "Concerning satisfactioun and redres of pairteis for biganis during the space contenit" in the said Earl's commission of lieutenandry, viz., from July 1596 and for a year after the date of the said commission, dated at Haliruidhous 3rd March 1601, the said Alexander consents that he or else the said Johne Dow, his brother, shall remain in ward till payment be paid by him and those for whom he is answerable to parties skaithed, the claims and Page 908. Page 909.

Acta 1601-2. dittays to be given in before 3rd May next, and 12th May assigned to the defenders to appear and answer,—without prejudice to the contract made between the Earl of Montrois, Patrik, Lord Drummond, Sir Duncane Campbell of Glenurquhy, on the one part, and the said Alexander, on the other part. "As alsua the personis following, principallis and maist speciallis of the race and name of M^cGregour, ar ordanit of thair awne voluntar will, quha be thir presentis ar become bundin and obleist to be ansuerable for thair raceis and houssis respective for observing guid reull in tyme comeing towardis his Hienes liegeis, and for redres of faultis the space of the yeiris bigane contenit in the said noble Lordis commissioun, as alsua for all uther thair men, tennentis and servandis, as law will": viz., Gregour M^cEwne V^cGregour, assisted by the said Earl and Alexander, to answer for himself and all descended of the late Ewne M^cGregour, his father; Duncane Na-glen M^cGregour of Phanean, for his sons and race; Allaster Galt Galt M^cGregour, "for his sones liberall and race"; Duncane M^cAllaster Pudrych, for himself and all come of the late Allaster Pudrych his father; Johne Dow M^cGregour, brother of the said Allaster, for himself and his race; Gregour M^cNeill, Williame M^cNeill, Duncane M^cEanekame, Allaster M^cEwne, Johne Dow M^cAllaster, Williame M^cGregour V^cGillechallum, Johne Dow M^cGregour Rora, Duncane M^cEwne V^cAllaster, Duncane M^cGregour V^cWilliame in Ranoch, Duncane M^cInvalloch, Johne Dow M^cCondochy V^cGregour in Inueraw, Johne M^cGregour V^cNeill, for themselves "and conjunctim for Sleghand raice," come of the late Duncane Licnoch; Johne M^cGregour V^cEane V^cGregour, Allaster, Charlis and Gregour, his brothers, for themselves and race come of the late Johne M^cGregour, and Gregour, their goodsire and father; Duncane Abroch and Patrik Aldoch M^cGregouris, for themselves and all descended of the late Duncane Latois, their predecessor; Johne M^cPhadrik Ammonoch, Gregour M^cPhadrik Ammonoch, Johne Dow M^cGregour V^cPhadrik of Inuergeldie, Duncane M^cAllaster in Dundornan, Duncane M^cPhadrik V^cCondochy and Allaster M^cCondochy Voir, for themselves and for their whole race come of the late Patrik Choaldich; Malcome M^cDowgall Keir, Duncane M^cPhadrik V^cDowgall Keir, Johne M^cIlkeir, Dowgall M^cIlkeir, Malcolme Oig M^cGregour V^cDowgall Keir, for the race and house of Clan Dowgall Keir; Allaster M^cRobert Voir, for himself and his sons, and all descended of them; James M^cGregour Drumphin, for himself, his bairns and all come of him. "Quhilkis bandis and obleisment salbe interperit and extendit towardis the airis and successouris of the said Alexander M^cGregour and all utheris obligantis foirsaidis respective, without prejudice and not annulling the bandis and oblisingis of thair maisteris and landislordis respective, as alsua without prejudice of the said Alexanderis band gevin for himself and all utheris for quhome he man be ansuerable be the law, sua that every ane of the saidis bandis have thair awne force and effect in full integritie as thay beir at the instanceis of all pairteis pretendand entres thairintill, all fraud and gyll secludit." This present band, written by Johne Hog, is witnessed,

at the place and on the date foresaid, by David, Commendator of Dry- Acta 1601
burgh, James, Commendator of Inchechaffray, Sir Duncane Campbell of Glenurquhy, Sir Archibald Sterling of Keir, Sir Williame Menteith of Kers, James Campbell, fiar of Laweris, James Seytoun of Tullibody, James Kinros of Kippanros, the notary below subscribing for the said Allaster M°Gregour of Glenstra, "becaus I can not wryte." Upon 12th May 1601 appeared Malcome M°Gregour in Glengyll, Malcome M°Dowilkeiris, Duncane M°Phatrik V°Dowilkeir, Gregour Neilsoun, Johne Dow M°Gregour Ammonoch, Johne M°Gregour V°Eane V°Gregour, before Archibald, Earl of Ergyll, and subscribed, through Mr. James Kirk, notary, the Act abovewritten in presence of Sir Duncan Campbell of Glenurquhy, Sir Williame Menteith of Keirs, Johne Buchannan of that Ilk, Alexander Dowglas of Manis, and James Kinros of Kippanros. Page 911.

Pledges for the Clan Gregor.

James Campbell, fiar of Laweris, and Mr. James Kirk, servant of Archibald, Earl of Ergyll, appear, and promise, in name of the said Earl, that the Earl will, when required, enter the following persons or any three of them as pledges for the Clan Gregour, viz., Johne Dow M°Ewne, Duncane M°Ewne, his brother, Johne Dow M°Ilfadrik V°Robert, Robert Abroch M°Gregour Scorach, and Duncane M°Fadrik.

Charge to the Sheriff of Moray and others to enter in ward.

Alexander Dumbar of Westfeild, sheriff of Murray, Alexander Dumbar of Tarbett, Patrik Dumbar of Culboyak, Mark Dumbar of Duris, and Robert Dumbar of Burgy, are charged by a macer to enter in ward in Edinburgh Castle and remain there till they find caution conform to the general band. Charge also to the said Sheriff to enter in ward in the castle of Blaknes for having lifted taxations for entertaining certain broken men brought into the country by Dumbars (*ante*, p. 400-1).

MacIntosh and Rose.

Lauchlane M°Intosche of Dunnauchtane and Williame Ros of Kilraak are declared answerable for David Ros M°Williame and his gang in time coming, because he has his only reset within their bounds.

John Milne against Andrew Lowson and others.

The 29th July next is assigned to Johne Mylne, burgess of Dundie, for proving the following points of the summons executed by him against Alexander and Johne Lowsonis, brothers of Isobell Lowsoun, his spouse, and David Fyfe in Dod:—(1) that the said Alexander and Johne hired David Smyth, servant to Thomas Johnestoun, to murder pursuer; (2) that they tried to induce pursuer to keep "ane tryst" with them at the Mure of Kirkbuddow, where they had the said David, with certain other limmers, lying in wait to slay him; (3) that they came to his house and booth in Dundie and intromitted with his whole plenishing and merchandise, worth 3500 merks; (4) that the said David resetted the said persons, with the said goods, for 18 days, knowing their criminality. Page 912.

Perth, 29th June.

Sederunt—Ut in die predicto.

Caution for the Baron of Kilravock.

Caution in 5000 merks by Williame Sutherland of Duffus, and Thomas Fraser of , tutor of Lovat, for Williame Ros of Kilraak, that he and those for whom he is answerable shall observe the King's peace, that he

Acta 1601 2. shall appear before the King and Council when charged, and that he shall redress parties skaithed.

Caution for the Tutor of Lovat.

Caution in 3000 merks by Williame Ros of Kilraak for the said Tutor that he shall appear before the King and Council when charged.

Caution for Angus Williamson.

Caution in 2000 merks by Johne Grant of Freuchy and the said Tutor for Angus Williamesoun of Termet, to the same effect as in the act immediately preceding the last.

Caution for Patrick and Mark Dunbar.

Caution by Williame Sutherland of Duffus for Patrik Dumbar of Conzie in 5000 merks, and by the said Patrik for Mark Dumbar of Durris in like sum, that they shall appear before the King and Council when charged.

Page 913.

Certificate of the above cautions.

Testimonial subscribed by the Earl of Montrose, chancellor, Sir George Home, treasurer, John Prestoun, Sir Patrik Murray, comptroller, and Thomas Erskene, declaring that the principals and sureties abovewritten appeared in their presence and became bound as aforesaid.

Murray of Broughton against Hannay of Sorbie and others for divers acts of violence and oppression: Defenders denounced rebels for non-appearance.

Complaint at the instance of Sir George Home of Spot, treasurer, and George Murray of Brochtoun, for his interest, as follows:—(1) Johne Ahannay, apparent of Sorbie, Robert Ahannay in Boighous, Androw and Archibald Ahannayis, his brothers, Alexander Ahannay, son of Patrik Ahannay of Kilfillane, Johne Ahannay, his son, Johne M°Morie, servant to Johne Ahannay, apparent of Sorbie, Quintene Mure of Auchneill, and Adame Boyd, son of Robert Boyd in , with others, upon March 1599, "being Sonday appointit for divyne service," lay in wait, armed with hagbuts and pistolets, for the slaughter of the said Murray at Brochtoun Skeoch, within half a quarter of a mile of his dwelling-place of Brochtoun, and, when they saw him coming to the parish kirk of Quhithorne, chased him to his said place, which they besieged, attacking him and those in his company with hagbuts and pistolets for their slaughter. (2) In June 1599, the said Robert Ahannay in Boighous, Androw and Archibald, his brothers, George and Gilbert, sons of Patrik Ahannay of Kilfillane, Johne Ahannay in Inglistoun, Thomas Ahannay, son of Henry Ahannay in Crugiltoun, and Johne Rogersoun there, with others, shot hagbuts and pistolets at Paull M°Culloch in Owtoun and Williame Gordoun, pursuer's servitors, in the high street beside , all but bereaving them of their lives. (3) In July 1600 Alexander Cunynghame of Powtoun, Mairtene Cubiesoun and Cubiesoun, his servants, Archibald Ahannay, son of the Laird of Sorbie, Patrik Ahannay, son of Gilbert Ahannay in Crugiltoun, Johne Rogersoun in Inglistoun, Douglas in Powtoun, with others, to the number of 20 persons, treasonably, under assurance, pursued complainer and his servants, while they were mowing his hay in the meadow of Brochtoun, shot hagbuts and pistolets at them, hurting sundry, and mutilating Adame M°Kenneth in the leg. (4) In July 1598, Alexander Cunynghame of Powtoun, Mairtene Cubiesoun, his man, Andro and Archibald Ahannayis, sons of the Laird of Sorbie, Patrik Ahannay, son of Gilbert Ahannay in Crugiltoun, and Johne Rogersoun in Inglistoun, with others, came, under assurance, to the pursuer's lands of

age 914.

Brochtoun, and there "kaist doun his medow dyke that keipit ane grit burne and his guidis af his said medow, and thairefter dammit in the said burne upoun the said medow, quhilk hes ever ouerflowit the same sensyne." (5) In August 1598, the said Alexander Cunynghame, and Mairtene Cubiesoun, his man, Andro and Archibald Ahannayis, sons of the Laird of Sorbie, Thomas Ahannay and Symone Ahannay, sons of Henry Ahannay in Crugiltoun, with others, came, under assurance, to the lands of Brochtoun, and cast a hay stack belonging to the complainer in a burn. (6) The said Alexander Cunynghame and his accomplices foresaid, armed with hagbuts and pistolets, upon day of , came to the said lands, shot pistolets at Johne Murray and David M^cGhie, pursuer's servants, while they were winning his hay, chased them, so that they "wan very hardlie away with thair lyveis," and took away all his hay to the said Alexander Cunynghame's lands of Powtoun. (7) The said persons, armed as said is, accompanied by Henry Ahannay in Crugiltoun, in December last came to the complainer's lands of Brochtoun, and pursued Johne M^cIlmurie, his servant, reft from six head of nolt, and a horse belonging to the pursuer, intromitted with the said Johne's plenishing, and "cuttit his wyffis purs." (8) The said Alexander Cunynghame and his accomplices, upon day of , pursued Johne M^cCachie in Brochtoun within the town of Quhithorne, and James M^cIlroy in Owtoun, tenant to the complainer, in the town of Wigtoun. In short, pursuer "dar skairslie duell upoun his awne landis for feir of thair violence and oppressioun," the rather because the said defenders are assisted in their wicked deeds by the Laird of Garleis, who, having been charged along with them to subscribe an assurance to the complainer, had disobeyed and passed to the horn.—Charge had been given to the said Johne Ahannay, apparent, Andro and Archibald, his brothers, Alexander Ahannay, George and Gilbert Ahannay, sons of Ahannay of Kilfillan, Johne Ahannay, also his son, Johne M^cMory, Johne Ahannay in Inglistoun, Thomas Ahannay, Johne Rogersoun, Mairtene Cubiesoun in Powtoun and Cubiesoun there, Patrik Ahannay, Symone Ahannay, Robert Ahannay, Alexander Cunynghame, Niniane Dowglas in Culdurrie, Quintene Mure and Adame Boyd of Craigoith, to appear this day and answer; and now, the pursuer appearing, but none of the defenders, the order is to denounce them rebels.

Acta 1601-

Page 915.

Decree against Ker of Fernihirst, and Lord Ochiltree, his surety, for having contravened an act of caution.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, as follows:—Upon 10th August 1596, Sir Androw Ker of Phairnyhirst, as principal, and Andro, Lord Stewart of Uchiltrie, as surety for him, became bound in £10,000 that the said principal and all for whom he is answerable by the laws should observe the King's peace, and be answerable to justice. Yet, the following friends and dependers of his,—viz., Mr. James Ker, his brother, James Ker of Lintillie, Williame Ker, his son, Williame Ker, brother of Robert Ker of Ancrum, George Moscrope, burgess of Jedburgh, David Moscrope, his brother, there, George Ker in Oxnem, Johne Ker in

Acta 1601-2. Redden, Andro Ker there, Charlis Robsoun in Wollis, George Pyle in Mylneheuch, David Pyle, his brother, Symone Hall in Haviesyde, Michaell Ker in Oxnem, Thomas Ker, brother of George Ker the "browster," James Hislope in Eschesteill, Raulf Anislie in Cletach, Thomas Hall in Haviesyde, Williame Hall there, Ruulf Robsoun in Middleknowis, Johne Robsoun and Niniane Robsoun, his brothers, there, Roger Anislie in Clittach or Newtoun, Dandie Daviesoun in Byrnerig, Leonard Ker, son of Lancelot Ker in Oxnem, George Stewart and Richard Malcome, servants to the said Sir Andro,—though all denounced rebels for not having found caution to underlie the laws for coming to Johne Alieson's house in Jedburgh upon 14th September 1601, besieging the same the space of three hours for the slaughter of the persons therein, and treasonably burning the said house, frequent kirk and market and other public places, as if they were free lieges. As they are all the said
Page 916. Sir Andro's men, dwelling upon his lands, he and the said Lord Uchiltrie, his cautioner, are answerable accordingly.—The Treasurer appearing, but the said principal and his said cautioner neither appearing nor having produced the said persons as charged, the Lords decern the said act of caution to have been contravened, and therefore the said Sir Andro Ker and Lord Uchiltrie to have incurred the penalty. Letters of horning and poinding for payment of the same are to be directed against them.

Richard Smith against Bruce of Clackmannan.

The 29th July next is assigned to Richard Smyth in Over Fingas for proving the summons executed at his instance against Robert Bruce of
Page 917. Clakmannane for having come to his house in Over Fingas, and violently taken furth thereof his whole evidents, which he still withholds.

Lord Roxburgh against the bailies of Jedburgh for non-entry of an offender resetted within their town.

Complaint by Robert, Lord of Roxburgh, warden of the Middle March, as follows:—Williame Hendersoun in Jedburgh having been filed in a warden court held by complainer for reset of stolen goods out of England, complainer was straitened by the opposite warden either to enter the offender or to redress the bill, conform to the order of the Marches. Hendersoun, however, having become fugitive, and having no goods to relieve that bill, complainer had been constrained to enter his own officer into the custody of the English warden; and this officer has remained with the English warden this long time past at complainer's expenses. At last, complainer, having heard that Hendersoun was publicly resetted in the burgh of Jedburgh, had charged the bailies thereof to deliver him. Although they had apprehended Hendersoun and committed him to ward, they had refused to deliver him to complainer, and have restored him to his liberty.—Charge had been given to Williame Dowglas, Adame Anislie, called Reid Adie, Adame Rutherfuird in the Tounheid, and Williame Broun, bailies of the said burgh, to answer; and now, the pursuer appearing by Mr. Thomas Murray, his procurator, but none of the defenders appearing, the Lords decern defenders to deliver Hendersoun to complainer, and ordain letters of horning, on a charge of six days only, to be directed against them to that effect.

Page 918. Complaint by the same Lord Roxburgh, as follows:—Robert Scot of

Lord Roxburgh against Scott of Haning.

Thirlestane having been filed, in a warden court held by complainer, in a band for certain sums of money pursued against him by the Laird of Newtoun, Englishman, complainer had been straitened by the opposite warden either to enter the said Scot or to satisfy the bill. Scot, however, refusing to enter himself, as he still refuses, complainer had been obliged to enter his own officer for relief of the said bill; who now lies in England for that cause upon complainer's expenses.—The complainer appearing by the same procurator as in the last act, but the defender not appearing, the Lords decern defender to surrender himself to the said Lord, and ordain letters of horning upon a simple charge of six days to be directed against him to that effect. Acta 1601-

Alexander Brydie against Marion Strachan and John Craw.

Complaint by Alexander Brydie in Cragy, as follows:—Mareoun Strauchane, relict of Robert Gray of Drumelie, having conceived "ane deidlie haitrent and malice" against complainer without cause, came, upon 4th instant, with Johne Craw, her servant, armed with a sword and a pair of pistolets, to the place where complainer is in use to work at his trade, and sought him for his slaughter. Not finding him, they went to his dwelling-house; and, as they could not discover him there, the said Mareoun assaulted his poor wife with a batton, to the effusion of her blood in great quantity, the said Craw holding her during the assault. Thus, complainer has been compelled, for fear of his life, to leave his house.—Both parties appearing, the Lords assoilzie the defenders, because the pursuer has failed in his probation after examination of divers witnesses. Page 919.

Commission for reporting on the disputes between the Magistrates of the City of Glasgow and the Masters of the College thereof.

"The Kingis Majestie being crediblie enformit of some debait and altercatioun laitlie fallin out and grittar appeirance to ensew betuix the Magistrattis of the citie of Glasgow and Maisteris of the College thair, anent the spending of the yeirlie rentis, intertenying of the dew nowmer of fundat personis, and heiring of the yeirlie comptis of the said College,—quhairof may follow grittar animositie and trouble betuix thame, to the disquyeting of the peace of the said Citie and the grit hinder of the promotioun of vertew and guid letters within the said College, except remeid be tymouslie provydit,—For preventing quhairof and the removing of all occasionis of sic debaittis in tyme comeing, his Majestie, with avyse of the Lordis of his Secrete Counsall, hes gevin and grantit, and be the tennour heirof gevis and grantis, his full powar and commissioun, expres bidding and chairge, to his rycht traist cousing and counsallour, Johne, Earl of Montrois, chancellar, Alexander, Lord of Fyvie, president, Sir James Elphingstoun of Barnetoun, knycht, secretar, Mr. Thomas Hammiltoun of Bynnie, advocat, Mr. Johne Prestoun of Fentounbarnis, collector, Maister Johne Skene, clerk of Register, David, Bischope of Ros, Peter, Bischope of Dunkeld, Sir Patrik Murray of Ganyis, knycht, Mr. George Young, archideane of Sanctandrois, Mr. Williame Scot of Grangemure, and Mr. James Foullartoun, or ony sevin of thame conjunctlie, to convene at the said citie of Glasgow upoun the tuenty-fyve day of August nixt, thair to visite the said College, sicht and considder the fundationis thairof, call for

Acta 1601-2. a perfyte rentall of the revenewis mortefeit thairto, urge the saidis Maisteris with the last yeiris compt of thair haill rentis, informe thame treuly of thair sufficiencie for thair saidis functionis als weill in lyfe as letteris, and of the haill estait of the said College in every point, and thairof and of the haill doubtis and difficulteis quhilk thay find in the saidis fundationis to mak a trew relatioun and report to his Majestie at his repairing to the said Citie, that be thair guid avyse his Hienes may put ordour to thair present difference, and settle thame in a steadfast
Page 920. unioun and concord, to the weill and quyetnes of the said Citie and furtherance of vertew in that College in all tyme comeing."

Charge for the entry of George Guthrie, suspected of wife-murder.

His Majesty being resolved that George Guthrie shall be tried by assize for the slaughter of Katherene Broun, his spouse, of which he is suspected guilty, there is order to command the Sheriff of Forfar within six days after charge, under pain of rebellion, to receive the said Guthrie from the magistrates of the city of Brechin and to enter him in the tolbooth of Edinburgh, therein to remain till he be presented to the Justice and tried for the said crime. The bailies of Brechin are to deliver the said Guthrie to the said Sheriff within an hour after the Sheriff's coming to receive him; and the bailies of Edinburgh are to receive the said Guthrie from the said Sheriff within an hour after he is presented, and to commit him to ward within their tolbooth.

Payment of David Murray's fee.

The Lords of Council, being commanded to take order for the payment of the yearly "feall" of 600 merks appointed by his Highness to be paid to David Murray, gentleman of the Prince's chamber, ordain the Treasurer and Comptroller to answer to him yearly for the same by equal halves, beginning the first payment at Martinmas next, and paying the next half at Whitsunday following.

Perth, 30th June. MacDonald of Glengarry.

Caution in 5000 merks by Thomas Stewart of Garnetully that Donnald M^{c}Angus of Glengarry shall remain in this burgh till he present his pledges, Glengarrie becoming surety in relief.

St. Andrews, 8th July.[1]

Sederunt—PRESENTE REGE—Lennox; Ergyle; Mar; Uchiltrie; Blantyre; Tracquair; Sir Thomas Erskene; Sir Patrik Murray; Elimosinar.

Suspension of letters of horning against James Meikle and others.

Complaint by James Meikle, servitor to Sir James Hammiltoun of Libertoun, Johne Merschell, bailie of Evindaill, and Williame Frame there, as follows:—They have been put to the horn by virtue of letters raised against them by James Lennox, messenger, for not answering to his com-

[1] In connexion with this visit of the King to St. Andrews may be noted an incident recorded thus by Calderwood (vi. 157):—"About the end of Julie [June?], Mr. Andrew Melvill, making the exercise upon Ephes. v. 11, tuiched the present corruptiouns of the Kirk, and namelie of the ministrie of St. Andrewes. They compleane to the King. The King went to St. Andrewes in Julie after, and commanded him to keepe waird in the Colledge. . . . By the Queen's intercessioun he gott libertie to travell abroad, within six myles to St. Andrewes."

plaint touching their alleged deforcement of him while he was executing the King's letters against the said Sir James (*ante*, p. 390). Now, as the said letters of horning never came to their knowledge by any lawful charge, and as they are most willing to purge themselves of the said complaint, and have found caution, each in £100, to appear and answer, the said letters ought to be suspended.—Both parties appearing, the Lords do suspend the letters, and ordain complainers to pass to Edinburgh for trial in the said matter before the said Lords. Acta 1601–2. Page 921.

Decree in favour of the Earl of Mar against Hamilton of Liberton.

This day having been assigned to Johne, Earl of Mar, for proving the points of his summons against James Hammiltoun of Libertoun (*ante*, p. 390), and both parties now appearing, the Lords, in respect of the confession made by the said Sir James that his son James Hammiltoun, younger, was resetted with his knowledge upon his lands 12 hours together, and in respect of the depositions of witnesses substantially confirming the said confession, ordain the said Sir James to enter in ward in the castle of Blaknes, within six days hereof, at his uttermost charge and peril. Page 922.

Protest in favour of Mr. James Dundas.

Mr. James Dundas, chantor of Murray, appearing and giving in a copy of the letters raised by Williame Dumbar of Hemprigis, charging him to answer this day for his alleged coming at night to the lands of Hemprigis and wounding the said Williame, protests, in the absence of the said Williame Dumbar, that he shall not be held to answer farther till warned of new; and the Lords admit the protest and allow him £20 for his expenses.

Edinburgh, 8th July. Decree against the Earl of Atholl and his sureties for having contravened an act of caution.

Action at the instance of Sir George Home of Spot, treasurer, for his Majesty's interest, as follows:—Although Johne, Earl of Athoill, as principal, and Alexander Meinzies of Weyme and Williame Stewart of Kynnaird, as sureties for him, became bound in £2000 that the said Earl should by Whitsunday last obtain relaxation from all the hornings under which he lay, or enter in ward in Edinburgh Castle, yet the said Earl remains still at the horn,—(1) at the instance of Hary Stewart of Craigyhall, David Herring, apparent of Glescluny, Sir Williame Ruthven of Bandane and Williame Ruthven, fiar thereof, for not relieving them at the hands of Anthone Bruce, burgess of Striviling, and James Curle, burgess of Edinburgh, of the sum of 5000 merks for which they became sureties for him; (2) at the instance of Patrik Grant of Rothiemurcus, for not paying him 5000 merks as principal and £60 for expenses, as by a decree obtained by the said Patrik's late father against the said Earl; (3) at the instance of Williame Durhame, son and heir of the late Robert Durhame of Grange, for not paying him 3500 merks as by a contract between them.—Charge had been given to the principal and his sureties to answer; and now, the Treasurer appearing personally, and the defenders by Williame Stewart and Williame Banerman, their procurator, the Lords find that the Earl has contravened the said act, and that he and his sureties have therefore incurred the said penalty; for payment of which to the Treasurer letters are to be directed. Page 923.

Acta 1601–2.

To denounce Robert Grant and a number of others for not appearing as witnesses in an action by Mr. George Munro, chancellor of Ross, and Donald Thornton.

Charge had been given, at the instance of Mr. George Monro, chancellor of Ros, and Donnald Thornetoun, in the Chanonry of Ros, to Robert Grant, bailie in the Chanonry, David Monypenny, burgess there, Williame Reid, tailor, there, David Carnegy, elder, saddler there, David Carnegy, younger, there, Robert Leslie, baxter, there, Johne M^cInteir, weaver, there, Donnald Monro, merchant, there, Donnald Reid, cordiner, there, Hary Stewart, saddler, there, Andrew Cruikschank, tailor, there, Sorle M^cKy, merchant, there, Williame Irwing, messenger in the Chanonry, Walter Watsoun there, Alexander Nicolsoun, messenger, there, Mungo Fraser, tailor, Alexander Spens, burgess, there, Williame M^cKallane, cordiner, there, and John Roy there, to appear, under pain of rebellion, before the King and Council as witnesses in the cause pursued by the said complainers against Rory M^cKeinzie of Cultelloid, brother of Kenneth M^cKeinzie of Kintaill, Kenneth M^cKeinzie of Killichrist, George Dumbar of Awach, commissary of Ros, Robert Grhame, archdeacon of Ros, Colene Dumbar, son of the Laird of Awach, Johne M^cKeinzie, elder, Alexander Moir and Donald Wallace, his servitors, Johne M^cKeinzie, younger, and certain others, for having come upon 26th April last at night, by way of

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hamesucken, to the said Mr. George's house in the Chanonry, where (1) "be oppin force and violence, with certane instrumentis and ingynis brocht with thame for the purpois, thay brak up the durris of his said hous, enterit within the same, tuik the said complenar, and Mr. George Monro, his sone, furth of thair bedis sark allane, dang thame with thair neiffis and hiltis of thair suordis in dyvers pairt of thair bodyis"; (2) they took Margaret Levingstoun, the complainer's spouse, "out of hir naked bed, raif hir sark, and schamefullie and unmercifullie, but pitie or compassioun, straik and dang hir in dyvers pairtis of hir body, schot hir out of the hous into the close, quhair thay held hir sark allane quhill scho wes almast deid throw cauld and be the straikis and woundis quhilkis scho ressavit of thame"; (3) they wounded and mutilated Alexander Gray, the complainer's servant, and left him for dead; (4) they spuilyied the said Chancellor's house of most of its plenishing; (5) they "violentlie ravischit and tak away" Jonet Thornetoun, the said Donnald's daughter, and "caryit hir first to the sey syde, quhair thay had a boit attending and awaiting to transport her ouer the watter," and so to the duelling of Archibald Falconer, where and in other "obscure pairtis" of the country they still "keip and detene hir as prisoner."—

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The pursuers appearing, but none of the said persons cited as witnesses, the Lords ordain the defaulters to be denounced rebels.

Mr. George Munro and Donald Thornton against John Dunbar and others, as authors of certain acts of oppression, including the abduction of Janet Thornton.

Complaint by the same Mr. George Monro and Donnald Thornetoun, as follows:—The said Donnald having "committit the educatioun and upbringing of Jonet Thornetoun, his dochter, to the said Maister George Monro, with quhome he hoipit that scho mycht have remanit in peace and suirtie," Rory M^cKeinzie of Cultelloid, Kenneth M^cKeinzie of Killichrist, George Dumbar of Awach, Robert Grhame and Colene Dumbar, had "treatit and consultit oftymes togidder in the toun of the Channorie of Ros" for the abduction of the said Jonet, and, on the 26th of April last, Kenneth

McKeinzie of Killichrist, Johne McKeinzie, elder, Alexander Moir and Donnald Wallie, his servitors, Johne McKeinzie, younger, Robert Dumbar, servitor to the said Rory, Johne, James, Mr. David, Colene and George Dumbarris, sons of George Dumbar of Avach, George Grhame, son and apparent heir of the said Robert, archdeacon, Johne Inch, servant to the said Robert Grahame, Archibald Falcouner in Fernychtie, son-in-law of George Dumbar of Awach, Robert Gowan, bailie of Ros merkie, David Ros Johne Schisme, servitor to the said Johne Dumbar, Rory Urquhart servitor to Gawin Dumbar, son of George Dumbar of Awach, with others, armed with guns, pistolets and other forbidden weapons, all by the causing of the said Rory McKeinzie, Kenneth McKeinzie, George Dumbar and Robert, came at night to the said Chancellor's house in the Chanonry and committed the five forementioned acts of oppression (*ante*, p. 411). Unless the King and Council punish "that vyld and monstrous attempt," it will be impossible for good subjects "to repose in suirtie of thair lyfe, bairnis or guidis," and there will be encouragement to insolent subjects "to oppres, trouble and ouerthraw quhair thay may be maisteris at thair plesour."—Charge had been given (1) to Rory McKeinzie of Cultelloid, Johne Dumbar of Windiegoullis, Johne Chisholme, his servant, David Ros, Robert Grhame, archdeacon, George Grhame, his son, Kenneth McKeinzie of Killichrist, JamesDumbar of Little Suddie, Colene and Robert Dumbarris, sons of George Dumbar of Awach, George Dumbar of Awach, Archibald Falcouner of Fornychtie, Robert Gollane, bailie of Rosmerkie, to appear and deliver the said Jonet to her father; (2) to Rory McKeinzie of Cultelloid (to whom Kenneth McKeinzie of Kintaill had committed the government of his affairs during his absence abroad) to bring with him Kenneth McKeinzie of Killichrist, "speciall kinisman" of the said Laird of McKeinzie, Johne McKeinzie, elder, Alexander Moir and Donnald Wallie, servants to the Laird of Killichrist, Robert Dumbar and Johne McKeinzie, younger, servitors to the said Rory; (3) to George Dumbar of Awach to bring with him his said five sons; (4) to the Archdeacon of Ros to bring with him George, his son, and Johne Inche, his household man.—And now, Rory McKeinzie of Cultelloid, Kenneth McKeinzie of Killichrist, Johne Dumbar of Windiegowllis and Robert Grhame, archdeacon of Ros, appearing, but none of the other defenders, and the said Jonet not having been entered, and the pursuers, who are present, having "past fra the ravisching in this judgment, reservand actioun to thame to persew the same befoir the judge criminall," and having also passed from the pursuit of the Archdeacon and his son *pro loco et tempore*, the Lords, in respect that the pursuers have failed in their proof, assoilzie the said Lairds of Cultelloid, Killichrist and Windiegoullis, from the remaining charges, while reserving action against them before the Justice for the alleged abduction. At the same time, they excuse the absence of the said George Dumbar, in respect of his age and inability to travel, but ordain him to be denounced rebel for not having produced the said Jonet; and they command the other defenders to be denounced for their non-appearance.

Acta 1601-2.

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Acta 1601-2.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun, King's advocate, for his Majesty's interest, as follows :—Notwithstanding the Acts against bearing fire-arms, Thomas M^cAlexander of Corsclayis came, upon day of last, to Alexander Kennedy of Baljerrak's dwelling-house of Daljerrak and there discharged a pistolet at him. Moreover, in September and October last, the said Kennedy, while riding with the late Gilbert Kennedy of Bargany upon the muir of Auldames, often carried hagbuts and pistolets with him, ready to pursue goods subjects.—The pursuers and Kennedy appearing personally, and M^cAlexander by Mathow Stewart of Dunduff, his procurator, who produces a testimonial, with the subscriptions of the moderator and certain of the ministers of the presbytery of Air, bearing that M^cAlexander was lying "bedfast of ane sair leg," the Lords assoilzie Kennedy, because pursuers have failed in proof against him, and excuse the absence of M^cAlexander. The Treasurer and Advocate against Alexander Kennedy and Thomas MacAlexander for carrying fire-arms.

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Sederunt—Cancellarius; Ergyle; Uchiltrie; Blantyre[1]; Treasurer; Ros; Dunkeld; Kinlos; Haliruidhous; Comptroller; Tracquair; Sir George Dowglas; Sir James Sandielandis. Edinburgh, 13th July.

Complaint by Duncane Meinzeis, brother of Alexander Meinzeis of Weyme, as follows :—He had been ordained by the King and Council to enter before them upon 13th June last certain of the Clan Gregour and others, dwelling in Rora, alleged to be his men. Now, the said persons are not complainer's men, but are subtacksmen to , son of the late Geir M^cCondochy, his tenant, and were placed on the said lands, without complainer's knowledge, by Williame M^cNeill in Farnoll, Duncane M^cAllaster there, Johne Dow M^cAllaster there, and Duncane M^cEane Cam in Fothirgill, tutors to the said . As the complainer is not able to make these persons answerable, he ought to have his relief against the said son of the late M^cCondochy and his tutors.—Charge had been given to Robert Robertsoun of Strowane, as master and landlord of the first three of the said tutors, to enter them this day to answer; and now, the pursuer appearing, but Robertsoun neither appearing nor having entered the said persons, the order is to denounce Robertsoun rebel. To denounce Robertson of Struan for not producing certain of his tenants.

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Johne Monro of Pitconnochy appears and gives in a copy of the letters raised by Johne Myllar, Alexander Davidsoun, *alias* Knychtie, Johne Davidsoun, Androw Davidsoun, Alexander Young, Marcus Robsoun, Johne Sewsoun, Murdo M^cKeinzie Thomassone, his Majesty's tenants of his Highness's proper lands of Ros, and Johne Chalmer of Drumbulg, their master under the King, charging the said Johne Monro to answer (1) for having come in January last, with Mr. Johne, Mr. David and Andro Monrois, his sons, to the lands of Ochterclo and there reft from them 24 horses and 16 nolt, and wounded the said Alexander Knychtie and Protest in favour of John Munro.

[1] "Blantyre" does not appear in this sederunt as recorded in the Book of Sederunts (Fol. 36, a).

Androw Davidsoun "with treis and battonis" on their heads; and (2) for having come in April last to the said lands and taken away 20 horses and nolt. None of the pursuers appearing, Monro protests that he shall not be held to answer farther till newly warned; and the Lords admit the protest. Acta 1601–2

Protest in favour of the Magistrates of Haddington.

Robert Patersoun, bailie of Hadintoun, appears for himself and for the provost and bailies of the said burgh, and gives in a copy of letters raised by Katherene Young, spouse of Robert Oliphant, burgess there, charging the said magistrates to appear and answer for disobeying a previous charge "for putting of hir to libertie," and also "toucheing the payment to hir of certane sowmes of money quhairby scho wes damnefeit be hir detentioun in warde." The said Katherene not appearing, Patersoun protests that the magistrates shall not be held to answer farther till again warned; and the Lords admit the protest.

Decree against Menzies of that Ilk and others for spuilyie committed by their men.

Complaint given in by Mr. William Schaw of Petmurthlie against Duncan M^cIllechallum V^cEwin, M^cSteine, widow, Alester Gar and Ewin M^cIllevie, tenants and servants of Alexander Menzies of that Ilk, and against Johne Moir M^cInkeir in Finyart in Rannoch, Johne Oig M^cInkeir there, Alester M^cKinlay M^cRobert, James M^cEwin Verich in Canvoren, Donochy Dow M^cInreoch, tenants of Robert Robertsoun of Strowane, and against Duncan Duff, brother of David M^cDuff, Baron Fandowy,—bearing that the said persons, by the convoy of the said Duncan Duff, came to the lands of Pitmurthlie in 1596 and spuilyied eighteen oxen, price of each £16, twenty-six kye, price of each 20 merks, ten stirks at 10 merks each, and six score sheep at 53s. 4d. each.—Charge had been given to the said landlords to enter their men complained of and also to Baron Muling "of his awin consent"; and now, the pursuer appearing by Johne Schaw, his son, and Menzeis appearing by Duncan Menzeis, his brother, but Baron Muling, Baron Fandowy and Robertsoun neither appearing nor having entered their accused men, the Lords ordain the defenders to deliver to the complainer the said goods or their value. Acta 1602–3 Fol. 1*.

Decree against the Baron of Muling and others for spuilyie committed by their men.

Complaint by Johnne Dow in Prestoun against Johnne Bell in Head of Muling and Andro M^cGok, servants of David Fergusoun, baron of Muling, and against Andro M^cCanray in Glencoich, servant of Sir Johnne Murray of Tullybardin, and against Alester M^cYok in Glenquoich and Andro M^cYok there,—bearing that, five years ago, the said persons and others, their accomplices, came at night, in winter, to the house of the late Williame Dow, the pursuer's father, in the Preistoun of Ochtirgavin, masterfully entered therein, and "cruellie bent thair bowis, schot thair arrowis, dang and woundit his said umquhile father and his mother, and schott ane arrow throw the bellie of his sister, and slew umquhile William Dow, his brother-german, with sindrie arrowis"; after which they "cuist his said umquhile father in the burne that rynis thairbye, and cuist out his mother and sister owt of the said dwelling-house," broke up the chests, and spuilyied the goods therein, and also broke up the byres and stables, out of which they reft the oxen, kye, horses and mares,—estimated at

Acta 1602-3. 1000 merks.—Charge had been given to Campbell, younger of Lawers, to enter the said Alester and Andro M^cYokkis, and to Murray to enter the said Andro M^cCanroy, and to the Baron of Muling to enter Johnne Bell and Andro M^cYok, this day; and now, the pursuer appearing, but Laweris, Tullybardin and Muling not being present, and the said persons not having been entered, the Lords decern them to satisfy pursuer for the said skaith, extending to 1000 merks, they having relief against the committers of the same.

Charge for the entry of Allaster MacGregor.

Order to charge Robert Robertsoun of Strowane, master and landlord of Alester M^cGregour Clerich, and Alexander Robertsoun of Fastcalye, Johnne Robertsoun, *alias* Reid of Straloch, and Duncan Robertsoun of Duncaben, as cautioners for the said Robert and for such as he is obliged to make answerable to justice, to enter the said Alester before the King and Council at Perth upon 5th August next, that he may answer to the complaint of Robert Watsoun in Arntullie, James Broun there, and Robert Lamb there, concerning certain goods reft from them.

Decree against Menzies of that Ilk for spuilyie committed by his men.

Complaint (1) by William M^cIllemull in Glenberaine and Patrik M^cColekane there, that, four years ago, Johnne M^cIllechallum M^cEane M^cGregour, servitor to Alexander Menzeis of that Ilk, spuilyied from them five kye with calf, worth £20 each; (2) by the said William, that Duncane M^cEwin Fol. 2*. Wane, servitor to Robert Robertsoun of Strowane, spuilyied from him, five years ago, five mares with foal, worth £20 each.—Charge had been given to Menzeis to enter his said servitor; and now, the pursuers appearing personally, and Menzeis by his brother Duncan, the Lords decern the Laird of Menzeis to restore the goods above written, or else pay their value.

Decree against the Commendator of Incheffray for spuilyie by one of his men.

Complaint by Patrik Scott in Glenelwart that Duncan M^cGregour, son of Alexander Pudroch M^cGregour, servant of Alexander, Commendator of Incheffray, "come to the dyke syde abone the complineris house, and thair thifteouslie staw and tuke away fyve pece of hors and meris, quhairof thre pece pertening to the said compliner, and the uther twa pece to Alexander Stewart of Dalguis and his twa pure cotters, worth ane hundreth merkis, and in work and foillis sensyne ane hundreth merkis, and in safer silver twenty pund."—"Ordinance" had been given to Incheffray, "being than personallie present," to enter Duncan; and now, pursuer appearing, but Incheaffray not appearing, and not having entered his said man, the Lords decern Incheaffray to restore to the complainer the three "hors and meris," or else to pay their prices, extending to 100 merks, with £20 of "safer silver."

Decree against Campbell of Lawers for spuilyie by his men.

Complaint by Patrik Scott in Glenelwart against James Campbell, fiar of Lawers:—In August twelve sheep were stolen from pursuer furth of the "Bischoprie" and taken to Glenquoich, from which they were afterwards "schiftit" to Lawers by Campbell's domestic servants and Douglas in Glenquoith, the widow's son. Pursuer had got back seven sheep, but he "yit wantis fyve heid."—The pursuer appearing, Campbell, for not appearing and not having entered Douglas, is ordained to make restitution of the said five sheep.

Complaint by Williame Stragaith in Strabrane against Sir Johnne

Decree against Murray of Tullibardin for spuilyie by one of his tenants.

Murray of Tullybardin, as follows:—In June 1595, one of Sir Johnne's tenants of Glenmonochell, called Makrye, with certain others, came to the bounds of Trochre in Strabrane and spuilyied from pursuer four kye, worth £20 each. After long searching and giving £20 of "saw silver," the kye were found pasturing with M°Crie's own kye, and "were then eirmarkit be the said compliner, according to the use of the Hyelandis." Sir Johnne, as landlord of Makrie, had then, on pursuer's humble representation, promised faithfully to see them restored and to cause Makrie to satisfy pursuer meanwhile "in cane and caver,—as the said compliner hes payit and yit payes to his Hienes comptrollar and chalmerlane." But, though pursuer has often applied to Sir Johnne for restitution of the kye, and for the profits of the same during their detention, valued at £40 yearly in milk, butter and cheese and stirk, Sir Johnne refuses or delays.—The pursuer appearing, but Sir Johnne neither appearing nor having produced his said tenant, the Lords ordain Sir Johnne to see the kye restored or pay the prices thereof. Acta 1602

Decree against Duncan Menzies for spuilyie by Duncan MacEwin.

Complaint by William Dow in Little Tullybeltane that in June 1596 Duncan M°Ewin in Culdarie had reft from him three mares, worth 20 merks each, an ox, worth 20 merks, and two kye, worth 20 merks each. Charge had been given to Duncan Menzeis, brother of Alexander Menzeis of that Ilk, to enter M°Ewin this day; and now, the pursuer appearing by Johnne Douglas in Logyalmonth, and Duncan Menzeis appearing for himself, the Lords decern Menzeis to make redress for the said goods, having his relief against M°Ewin. Fol. 3.

Decree against Stewart of Grantully for reif by his servant.

Complaint by Patrik Scott in Gleneliuet, in the bishopric of Dunkeld, that, in June 1600, Duncan M°Euchaine M°Gregoure in Tullichmoline in Fartirchill, servant to Thomas Stewart, Laird of Garntullie, came, with his accomplices, "brokin men of his freindschip," to pursuer's fold in Glenolliward and stole at night four kye and an ox, worth 124 merks, the profit of which since, in milk and caver and work of the ox, is estimated at £50, and also three "wodder scheip," then worth £10, and yielding in wool and profit since £6. Pursuer had found the said Duncan selling one of the kye at the "Andersmes fair" in 1600, and had challenged him; whereupon Duncan, in presence of the said Thomas Stewart, had promised restitution.—Pursuer appearing, the said Thomas, who does not appear, is decerned to see the goods restored or pay the prices, having his relief against Duncan.

Decree against Campbell of Glenorchy for spuilyie by his man.

Complaint by Alexander Wallandye in Calie that, in 1595, Duncan Robertsoun, *alias* Roy M°Ynstalker in Caynemore, Sir Duncan Campbell of Glenurquhy's man, with accomplices of his, intromitted with twelve kye and oxen belonging to complainer,—"quhilkis he causit cascaill and prove in his handes." The said Sir Duncan or, now in his absence, his son, is bound to enter the said Duncan or to indemnify the complainer by paying him £20 for each of the cattle, with 100 merks for "cascaill silver" and other expenses.—Pursuer appearing personally, and Colene Campbell of Glenurquhy, younger, appearing by Robert Campbell, his son,

Acta 1602-3. who has entered the said Duncan Robertsoun, the Lords decern Robertsoun to satisfy the complainer by 5th August next, and, in case of failure, ordain the said Colene to enter Robertsoun before them at Perth on the said day, under pain of payment of the said bill.

Decree against the Commendator of Inchaffray for spuilyie by a person for whom he is answerable.

Complaint by James Wobster in Easter Lowstoun that, in March 1599, Duncan Makalester V^cCondoquhy at the Mill of Dundorne stole out of complainer's byre at night two kye with calf, worth £20 each, the said Duncan being tenant of James Chesholme, now of Eildorne (? Dundorne), and dame Annas Betoun, his mother.—Pursuer appearing by Mr. William Schaw, but the Commendator of Incheffray neither appearing nor having entered the said Duncan as charged, the Lords ordain the Commendator to make redress for the said goods, he having his relief against Duncan.

Vol. 4.

Decree against Stewart of Grantully for reif by his man.

Complaint by Allester Robertsoun in Caluyne that, five years ago, Duncan Makgregour in Killemuling, Thomas Stewart of Garnetullie's man, stole from complainer a horse and a "pyet" mare, worth 50 merks each.—Pursuer appearing by Johnne Schaw, son of Mr. William Schaw of Pitmurthlie, Stewart, neither appearing nor having entered his said man, is ordained to satisfy pursuer, he having his relief against Duncan.

Decree against Robertson of Struan for spuilyie by two of his men.

Complaint by Johnne Morgound in the Mylntoun of Maus that, in October 1598, James Stewart M^cRobert and Dulichaich M^cGregour, Robert Robertsoun of Strowane's men, stole from him three kye worth £20 each, an ox worth £20, and a horse worth £20.—Pursuer appearing, Robertsoun, for neither appearing nor having entered his said men, is ordained to make satisfaction, he having his relief against the said James Stewart.

Decree against Murray of Tullibardin for spuilyie by one of his tenants.

Complaint by Alexander Stewart of Dulguis that, about six years ago, Johnne Dow M^cGregour, brother of the Laird of M^cGregour, or at least his servants, stole out of the Mucht of Strabrane sixteen head of horses and mares, worth 20 merks each,—"to the takin the said Johnne M^cGregour, being in his awin cradak in a rowme that he haldis of the Laird of Tullybardin in Balquhidder, send owt his men and tuke the said hors fra the said compliners sone, and sic utheris, his servandis, that wer thair that followit the said hors."—The pursuer appearing, the said Sir Johnne Murray of Tullybardin, for neither appearing nor having produced the said Johnne Dow, is ordained to satisfy complainer, he having his relief as effeirs.

Action against Duncan Menzies for spuilyie by the MacGregors.

Complaint by Duncane Oig M^cArthure and Johnne Dow M^cArthure in Dertullich that there were stolen from them out of Dartullich, upon 28th June 1599, three kye with calf and an ox, worth £80, by the Clan Gregour in Rorow, dwelling there under Duncan Menzeis, brother of Alexander Meynzlis of Weme [No more of this action is recorded, the rest of this page of the Register being left blank.]

Vol. 5.

Decree against Menzies of Weem for reset of theft by one dwelling on his lands.

Complaint by Johne Leilman in Strathurd, and Jonet Watsoun, his spouse, that, in August, 1600, certain broken men, having wounded Leilman and left him for dead, stole from them linen and woollen cloth, with their

habiliments, the whole insight of their house, and £40 in money, worth in all £183. The said goods were resetted by Makkeis, "browster," dwelling under Alexander Menzeis of Weyme.—The pursuer appearing, personally, and Menzeis of that Ilk by Duncan, his brother, the Lords decern Menzeis to satisfy pursuer, he having his relief as effeirs. Acta 1601

Edinburgh, 14th July. Caution for the Dunbars.

Caution by Alexander Dumbar of Westfeild, sheriff of Murray, in 3000 merks, for all persons bearing the name of Dumbar within the bounds of Murray, that they and each of them shall keep the King's peace, redress parties skaithed, and answer before the King and Council when charged. Page 977

Caution for the Sheriff of Moray.

Caution to the same effect, in 10,000 merks, by Alexander Dumbar of Tarbett, Patrik Dumbar of Culboyak, and Mark Dumbar of Durris, for the said sheriff of Murray.

Edinburgh, 15th July.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Ergyle; Mar; Lynlythqu; Fyvie; Elphinstoun; Uchiltrie; Neubottle; Treasurer: Ros; Dunkeld; Haliruidhous; Tracquair[1]; Clericus Justiciarie; Collector; Advocate; Comptroller; Privy Seal; Elimosinar; Sir James Sandelandis; Sir George Douglas. Page 929

Stewart of Clarie against Gordon of Lochinvar.

Complaint by Alexander Stewart of Clarie, as follows:—Johne Gordoun of Murefade, Alexander Gordoun of the Hillis, and Robert and Williame Gordonis, his brothers, who are at the horn for the slaughter of George Stewart, "maist havelie molestis" pursuer and his tenants in the possession of the mill of Pennynghame. Their molestation of him is in fact one of the causes of the trouble between the Lairds of Garleis and Lochinvar; and, as by a decree of the Privy Council the said rebels are declared to be such men as the said Laird of Lochinvar ought to be answerable for, the said Laird ought to be required to find caution that pursuer shall be harmless of them.—The pursuer appearing personally, and Sir Johne Gordoun of Lochinvar by George Redik, his procurator, and the said procurator having produced an acquittance, subscribed by the King and Council, declaring that Sir Johne should not be liable for the said rebels while they continued at the horn, provided he did not reset them thereafter, the Lords assoilzie Sir Johne, because the pursuer has failed to prove that he did so reset them. Page 930 Page 931

Thomas Cunninghame against Lord Roxburgh.

Complaint by Thomas Cunynghame, burgess of Edinburgh, as follows;—Upon 16th and 19th February last, Williame Hird in Ormestoun and James Wauchope, servitors to dame Jonet Dowglas, Lady Cesfuird, had been put to the horn for not paying complainer £1000 as principal, with £40 of expenses. The said rebels have continued at the horn, and have also disobeyed letters of treason executed against them upon the said horning; and, as they are the men of Robert, Lord of Roxburgh, the said Lord ought to enter them before the King and Council.—The pursuer appearing per-

[1] "Tracquair" does not appear in the corresponding sederunt in the Book of Sederunts (fol. 36, b).

cta 1601-2. sonally, and the said Lord by Alexander Young, his procurator, the Lords
ige 932. assoilzie defender, because pursuer has failed in his proof.

John Watson against Sir James Bellenden of Broughton.

Complaint by Johne Watsoun, portioner of Sauchtounhall, as follows: —Upon 10th instant, Sir James Bellenden of Brochtoun, and Mr. Archibald Wilky, his bailie of the regality of Brochtoun, committed the pursuer to ward in the tolbooth of the Cannogait, only for non-payment of certain unlaws wherein they had adjudged him in their own court without citation or form of process. As complainer has raised an action against them before the Session, he ought to be set at liberty during the dependence of the same.—Both parties appearing, the Lords assoilzie the defenders, because they have produced an act of court of the regality and barony of Brochtoun, showing that pursuer was lawfully detained in ward for non-payment of certain penalties wherein he had been decerned, by the baron of the barony of Brochtoun, for certain wrongs committed upon Johne Moresoun, burgess of Edinburgh, and Katherene Prestoun, his spouse, and for not having found caution in 500 merks to underlie the law for having wounded the said Katherene, nor surety for the indemnity of her said husband.

ige 933.

Edinburgh, 16th July. Lord Maxwell warded.

Charge having been given to Johne, Lord Maxwell, to appear and answer touching the assurance of "his Majesteis peace and quyetnes" within the West March, and the said Lord now appearing but refusing to subscribe an assurance to Sir James Johnestoun of Dunskellie, his Majesty ordains him to enter in ward in the Castle of Edinburgh, there to remain till relieved by his Highness.

Edinburgh, 17th July.

Sederunt—Ut in die predicto, PRESENTE REGE.

Act anent the Marquis of Huntly.

The 1st October next is assigned to George, Marquis of Huntley, for making redress of the complaints given in against certain of his men at Perth upon 28th June last, and of which a note had been delivered to him by Sir Patrik Murray of Ganeyis. The 24th November next is assigned him for the entry of Allane M^{c}Conill Duy and M^{c}Rannald, to be taken order with for the "weill and quyetnes of the cuntrey." Intimation hereof to be made to the Marquis.

The Earl of Argyle's lieutenancy against the Clan Gregor.

The 3rd August next is assigned to Archibald, Earl of Ergyle, for his appearance to give account to his Majesty of his execution of his commission of lieutenancy against the Clan Gregour (*ante*, p. 215),—specially what redress he has made to complainers and what surety he has taken for the future good behaviour of the said clan. The Earl, being present, is warned hereof.

Action against John Wright.

Action at the instance of Sir George Home and Mr. Thomas Hammiltoun, for the King's interest, as follows:—Johne Wrycht, at the Burn of Ardinpryour, having lately taken Patrik Dow M^{c}Robene, a common thief, "reidhand in the fang," and having retained him for a time, has, to the
ge 934. hindrance of the cause of justice, suffered him at last to escape.—Both

parties appearing, the Lords assoilzie the defender, because the pursuers have failed in proof. Acta 160

Edinburgh, 19th July. Proclamation for musters for an armed expedition for recovery of the Island of Lewis.

"Forsameikle as the Kingis Majestie being moved with the detestable and barbarous behaviour of the inhabitantis of the Lewis, quha, being voide of the feir and knawlege of God and misknawing thair allegeance and obedience to his Majestie, ar occupyit in nothing ellis bot in blude, murthour, reif, thift and oppressioun, every ane of thame exerceing sic beistlie and monstrous cruelteis upoun utheris as hes not bene hard of amangis Turkis or Infidellis, and with that thay ar plantit and possest with the maist fertile and commodious pairt of the haill realme, quhilk, being enrichit with a incredible fertilitie of cornes and plentie of fischeis, wald rander maist inestemable commoditeis of the haill realme gif the barbaritie of the vyld and savage inhabitantis thairof wald suffer and permit a peceable trade and trafficque amangis thame: the dew considerationn quhairof tuicheing his Majestie in honnour and conscience, his Majestie, efter guid avyse and deliberatioun, resolvit to reduce that Ile to obedience and to plant a nowmer of guid and dewtifull subjectis thairin. And for this effect his Majestie disponit the rycht of that Ile to certane baronis and gentilmen; quha, upoun the regaird of his Majesteis honnour and commounweill of the cuntrey, interprysit the conqueis of that Ile, establischeing of religioun and policie within the same, and ruiting out of the barbaritie and wickedness quhilk wes sa commoun thairin. Lyke as, thay be powar and force haveing maid a perfyte conqueis of that Ile and Page 93
reducit the same to als grit obedyence as ony pairt of the Mayne and Continent, sua that all kynd of trafficque and handling be sey wes very frequent and peceable thair, it is of treuth that in the meanetyme certane of the principallis of the said Ile, confederat and bandit with the principallis of the Ilis nixt adjacent, under the pretens and cullour of freindschip, conspyrit and devysit the utter exterminioun and ruyne of the saidis gentilmen venturaris and thair haill cumpany. And at last, finding the commoditie of the tyme quhenas the saidis Gentilmen luiked for nathing les then ony sic hid tressoun, thay sett upoun thame with fyre and sword, murdreist and slew at thair plesour, and hes possest thameselffis with the said Ile, intending, be the force and concurrence of utheris disorderit theiffis and lymmaris of the Ilis, to detene the same aganis his Majestie and his authoritie, to the trouble of his Hienes estait and drawing out of farder inconvenientis, gif thair driftis and intentionis be not tymouslie and substantiouslie preventit and disapointit. And thairfoir his Majestie, with avyse of the Lordis of his Secrete Counsall, hes resolvit and concludit be powar and force to reduce the said Ile againe to obedience, and to repres the insolence of the lymmaris quha wer the authouris of the disturbing of the same. For quhilk purpois necessar it is that his Majestie, or his lieutennant to be directit be his Hienes to the said Ile, be weill and substantiouslie accumpanyit with a force of his guid and loving subjectis; and thairfoir ordanis letters to be direct chairgeing all and

Acta 1601-2. sindrie his Majesteis liegeis betuix saxtie and saxtene yeiris, and utheris fensible personis, alsueill to burgh as to land, within regalitie as ryaltie, within the boundis of the sherefdomes of Aberdene, Banff, Elgyne, Forres, Narne, Inuernes, Cromartie, Caithnes and Orknay, be oppin proclamatioun at the mercat croces of the heid burrowis within the same schirefdomes, that thay and ilkane of thame, weill bodin in feir of weir, in thair maist substantious and weirlyke maner, and with fourty dayis victuall and provisioun efter thair comeing to the Lewis, addresse thameselffis to meit his Majesteis lieutennant at the dayis and placeis respective following:—that is to say, the saidis inhabitantis to burgh and land within the sherefdomes of Aberdene, Banff, Elgyne, Forres, Narne, Cromartie and Inuernes (except Caithnes, Sutherland and Stranaver), to meit at the burgh of Inuernes upoun the tuenty day of September nix to come, and thairfra to pas fordwart with the said lieutennant as thay salbe directit and commandit; the saidis inhabitantis of Orknay and Zetland to convene and meit the said lieutennant at the Lewis upoun the tent day of October nix to come; and that the inhabitantis of Stranaver, Caithnes and Sutherland be in reddynes to convene and meit the said lieutennant at sic dayis and placeis as thay salbe adverteist be the proclamatioun or utherwayis; and that thay all follow the directioun of the said lieutennant, under the paine of tinsall of lyfe, landis and guidis."

Charge to the partners of the Lews for fulfilling their contract with his Majesty.

Sir Williame Stewart of Houstoun, prior of Pettinweme, Sir George Home of Wodderburne, Leirmonth of Balcomy, and James Forret, son of the late Johne Forret of Fingas, although they promised to find caution, each for his own part, to pay the duty owing to his Majesty by them out of the Lewis, "yit drifted and delayit" to find the same, and now "intend to schaik af that yok and burdyne quhilk thay sould beir with the rest of thair compartneris and societie in the publict effairis and service of the Ile." Again, some others of that society, although they found caution for performance of their contract "now repent" that they found the same, and are "resolvit to ly bak and refuis that burdyne and yok" due by them,—so that "appeirandlie all the pains, travellis and expenssis quhilkis hes bene imployit heirtofoir in the conquesing of that Ile ar, in the default of the saidis compartneris, lyk to be frustrat and disapointit." There is therefore order to charge the said Colonel Stewart and his colleagues abovewritten to appear before the King and Council upon 27th instant and to bring with them their cautioners, so as to be bound for the due performance of all that they undertook, with certification if they fail they shall be decerned to have "amittit and tynt thair pairtis" of the Lewis. The remanent partners, who repent having found the caution, are to be charged to appear on the said day; and, if they appear and renounce all right they have to the Lewis, they shall be free of their said caution.[1]

ge 936.

[1] This and the preceding entry refer to a crisis in that scheme for the colonization and civilization of Lewis and other parts of the Western Islands the origin of which dates from more than three years back (*see* vol. v. pp. 455, 462, 467). The story, as related by Spots-

Edinburgh, 20th July.

Sederunt—Lennox; Cancellarius; Ergyle; Fyvie; Newbottle; Acta 1601
Roxburgh; Elphingstoun; Episcopus Rossensis; Dunkeld; Kinlos; Haliruidhous; Thesaurarius; Secretarius; Comptroller; Custos Secreti Sigilli; Advocatus; Collector; Clericus Registri; Kilsyth; Sir Thomas Erskene; Sir Patrik Murray.

Suspension of horning obtained by the Commissary of Inverness against the Sheriff of Moray and others anent reset of certain Highlanders.

Complaint by Alexander Dumbar of Westfeild, sheriff of Murray, Alexander Dumbar of Tarbett, Robert Dumbar of Burgy, Nicolas Dumbar of Boigis, Patrik Dumbar of Culboyak, Mark Dumbar of Durris, Mr. James Dumbar of Sanquhar, Mr. Thomas Dumbar, dean of Murray, Alexander Dumbar of Throniehill, James Dumbar in Grangegrene, and Alexander Dumbar, his son, as follows:—Johne Campbell, commissary of Inuerness, alleging that Alexander M^cRannald of Gargavach and his colleagues (see *ante*, p. 369), except Allaster M^cRorie V^cIntagirt, are put to the horn on a Page 937

wood (pp. 466–467), is as follows:—"The King, having resolved to plant Lowland men in the Isles, and transport the inhabitants into the Mainland, where they might learn civility, made a beginning at the Isle of Lewis. The undertakers were Patrick, Abbot of Lendors, Colonell William Stewart, Captain William Murray, Mr. John Lermonth of Balcolmy, Mr. James Spence of Wormeston, Sir James Anstruther of that Ilke, and James Forret of Fingaske [for fuller list see vol. v. p. 462]. These gentlemen, furnishing themselves with armes and shipping, and having conduced a number of souldiers, took sea, and in the third or fourth day arrived in the Lake of Stornoway within the same Isle [October 1599 ?]. Murdoch Mackloud, base son to old Mackloud, who carried himself as Lord of the Isle, made at the first some resistance; but, after a little conflict, distrusting the people, —for he had used them with great tyranny, —he fled and forsook the Isle, leaving the indwellers to the discretion of the invaders. They, how soon he was gone, did all submit themselves, and accept such conditions as were offered by the undertakers. Being thus peaceably possessed, the Laird of Balcolmy, either sent by the rest to signifie their good success and to make preparation against the winter, or for some private business of his own, took purpose to return home, and, being lanched a little from the coast, and by reason of the calm forced to cast anchor, was suddenly invaded by the said Murdoch Macklowd with a number of birlings (so they call the little vessels those Islesmen use), the ship boarded, the mariners killed, and himself made prisoner. The gentleman, being detained some daies and hourly threatened with death, was afterwards ransomed by one of his friends and conveyed to Orkeney,—where, contracting a feaver, he died. The rest of the gentlemen, to repair this injury, conduced Neill Macklowd, brother to the said Murdach, to betray and deliver him in their hands; which he performed shortly after, having, by an ambush laid for his brother, apprehended him and some twelve more that were in his company. The twelve he presently beheaded; Murdach he delivered to the gentlemen as he had promised,—who was afterwards transported to St. Andrews and there executed. The undertakers, thinking themselves now secured, began to build, and made a partition of lands, letting the same to the countrey-people, who did all swear fidelity to them; but, whilest they expected no trouble, Norman Macklowd, son to old Macklowd, did on the suddain beset them, put fire to their lodgings, and force them to the conditions following:—*first*, that they should purchase to them a remission from the King of all crimes and offences past; *next*, that they should resigne to Norman all the right that they had acquired of the Isle of Lewis; and, *thirdly*, that Sir James Spence, with his son-in-law Thomas Monypenny of Kinkell, should remain as pledges untill the remission was brought unto him and such a surety given of the Isle as he could devise. This condescended unto, Sir James Anstruther departed with the whole company that was left (for many were killed before their yeilding), and, for relief of the pledges, obtained of the King both the remission and security of the Isle that was desired; which was sent to Norman by James Lermonth, son of the Laird of Darcie. By this mean were the pledges freed, and for that time the whole enterprise defeated."—Calderwood, whose narrative is much briefer (vi. 139), dates the collapse of this enterprise for planting the Lewis in December 1601. The entries in the text indicate a resolution on the King's part to renew it; but nothing more was done for several years.

Acta 1601-2. complaint of his, has obtained letters charging complainers to find caution for themselves and their men, each in £2000, not to reset certain rebels, under pain of rebellion. Now, the charge given to the complainers to that effect "is very generall," and against the usual "forme and ordour," inasmuch as in such a matter they can be obliged only for their own deeds, "and the not intercommoning with any persone can stryk na forder bot aganis the intercommonar himself." Farther, the said rebels, dwelling in the "far Hielandis," are unknown to the complainers, and it is very hard for complainers to have to find caution for not intercommuning with men whom thay do not know, "seing it may fall out that accidentlie thay may meit with some of thame, and, not knawing quhat thay ar, may enter in some conference or speichis with thame." Still farther, the said pains are far above the sums prescribed by Act of Parliament for persons of the rank of the complainers; and, lastly, the "not intercommuning with rebellis is a criminall actioun, importing the confiscatioun of all the movable guidis of the intercommonar, and, gif the said Commissar can justlie qualifie ony sic intercommoning aganis thame, he aucht to persew the saidis complenaris criminallie for the same." As complainers have
Page 938. nevertheless found caution conform to the charge given them, the said letters of horning ought to be suspended simpliciter.—The Lairds of Westfeild, Tarbett, Burgy, Sanquhar, and Culboyak, appearing for themselves and for the other pursuers, and the Commissary being also present, the Lords do suspend the said letters, declare that the act of caution found by the pursuers for not resetting the said rebels shall be extended only to a "wilfull and knawne ressett," and modify the cautions found as follows,—the Sheriff of Murray £500, the Lairds of Tarbett, Culboyak, Burgy, Durris, and Dean of Murray, 500 merks each, the Lairds of Boigis, Sanquhar and Thornehill, 200 merks each, and James Dumbar in Grangehill and his said son, 100 merks each.

To denounce Archibald Dalzell.

Complaint by Nicoll Dalzell in Sauchtoun, and Katherene Wode, his spouse, that Archibald Dalzell, son of the Laird of Dalzell, not content with having abducted their daughter, for which he had been warded in the
Page 939. Castle of Edinburgh (*ante*, p. 139–40), came upon Saturday night, 8th instant, with certain others, to their corn-mill in Sauchtoun and broke down the same, with its wheels, axle-tree and mill-stones.—The said Katherine appearing for herself and spouse, the Lords order the defender, for not appearing, to be denounced rebel.

Rose of Kilravock and Dunbar of Tarbet.

Williame Ros of Kilraak appears and becomes bound to enter Walter Ros M^cHucheoun, Johne Dow M^cCondochy, and Arthour M^cGilleis, each under the pain of 500 merks, in the tolbooth of Edinburgh upon 22nd instant, to answer before the Justice for certain crimes of theft of which they are accused by Alexander Dumbar of Tarbett; and the said Alexander Dumbar, being present, becomes bound to pursue the said persons, under pain of 300 merks for each.

Mr. Henry Blyth, minister in the

Charge had been given to Mr. Henry Blyth, minister in the Cannogait, to answer before the Lords of Secret Council this day "tuicheing the

Canongate, ordered into ward for declining the jurisdiction of the Privy Council.

speicheis utterit be him aganis his Majesteis Counsale" upon Sunday last, Acta 1601-18th instant. And now, the said minister appearing and "being desyrit be the saidis Lordis to repeat the wordis quhilkis he utterit in pulpett aganis his Majesteis Counsall the day foirsaid, the said Mr. Henry refusit to do the same, allegeing the Lordis of his Majesteis Previe Counsall not to be judges competent to him in this mater *in prima instancia*." The said Lords find themselves "to be judges to the said Mr. Henry in this mater, and thairfoir, in respect of his refuisall to repeatt the wordis abonewritten," ordain him to enter in ward in Edinburgh Castle Page 940. and remain there at his own expenses till he be freed by his Majesty.[1]

To denounce Crichton of Cluny.

Sir Robert Crychtoun of Cluny, having failed to appear before the King at Falkland this day, as charged, to answer for the "proud contempt and indignitie done be him laitlie upoun the tent day of this instant aganis his Majestie, in the persuite, dinging and invasioun of Chalmer, within our awne chalmer and ludgeing in Sanctandrois, quhair his Majestie wes present for the tyme," is to be denounced rebel.

Edinburgh, 22nd July.

Sederunt—Ut in die predicto.

Charge to Gordon of Lochinvar, Stewart of Garlies, and certain others, to submit their feud to arbitration.

The Act of the Estates ordaining parties at feud to appear and submit the same to arbitration not having yet taken effect in the feud between Sir Johne Gordoun of Lochinvar and Sir Robert Gordoun of Glen on the one part, and Alexander Stewart of Garleis, Sir Johne Vaus of Longcastell and Mathow Stewart of Dunduff, on the other part, there is order to both parties to appear before the King and Council upon day of , prepared to submit and to name arbiters, conform to the said Act, under pain of rebellion. That the said Sir Robert may not pretend excuse for absence by reason of a licence granted to him by his Majesty to go abroad, his Highness discharges the said licence till the said submission be subscribed and a decree arbitral pronounced.

To denounce MacDonald of Glengarry and a number of his men for not answering to a charge of murder.

Complaint, as follows, at the instance of the relicts, bairns and other kin of the deceased Johne Oig M^cAngus M^cKechin, Johne M^cEandecheir, Page 941. Rory Roy M^cChoring, Donnald M^cConill Doy, Donnald Roy M^ceane V^cAchane, Donnald M^cConill V^cConill Doy, and M^cWeill Donich Forcar:—Donnald M^cAngus of Glengarry, or at least Angus, his son, with Ronnald M^cRorie V^cAllaster, Gillespik M^cGorich, Alexander and Donnald, his brothers, Donnald M^cAngus Moir, Rannald M^cAllane M^cAllaster, Alexander M^cAllaster M^cAngus, Laird of Knodort, Allane Roy, Rannald and Donnald,

[1] There is no notice in Calderwood of this prosecution of Mr. Henry Blyth in July 1602; but Calderwood has two previous mentions of Blyth as having been in trouble. In December 1600 he had been cited before the Council "for alledging in pulpit that Mr. Johne Hamilton [the Roman Catholic uncle of Mr. Thomas Hamilton, the King's Advocate] was resett in speciall houses in Edinburgh," notwithstanding a proclamation in the preceding month against reset of Jesuits and excommunicated Papists (Calderwood, vi. 100); and, towards the end of 1601, he had been summoned before the King and the Church Commissioners "for finding fault, in pulpit, with giving remissiouns for blood and recent murther, and worse remissiouns also, as he termed them, in generall" (Calderwood, vi. 139). On this last occasion he had been dismissed with a mere admonition.

Acta 1601-2. his sons, Alexander M^cEane V^cAllane, Alexander and Ronnald, his brothers, Johne M^cEane V^cMurchie Glas, Donnald M^cAngus Geir, Angus M^cConill V^cDoull, Rorie and Donnald, his brothers, Angus M^cAllaster V^cAllen, Johne Dow M^cAllaster, his brother, Johne Tivach (? Towach) M^cConill V^cGillimorie, Ewne M^cConill, his brother, Allane M^cRannald M^cAllaster and Alexander M^cRannald M^cAllaster, his brothers, Gillicallum M^cAllane Roy, Donnald Gar M^cEane Vany, Robert M^cConill, his son, Johne M^cConill Voir, Johne Dow M^cConill Voir, his son, Duncane Dow M^cPhitar and Donnald Roy, his brother, Donnald M^cRannald Vane, Johne M^cConneill V^cAngus Moir, Angus M^cConill, his brother, and Alexander Oig M^cEane V^cAllane, all the said Laird of Glengarry's men, accompanied by a "grit nowmer of brokin and disorderit Hielandmen," all armed with habershoes, pole-axes, and two-handed swords, and with hagbuts and pistolets, of the special causing of the said Laird, came in November last at night to the lands of Torrieurdane, where the said late Johne Oig M^cAngus M^cKechin and others foresaid were within their own houses taking the night's rest, "and thair the saidis disorderit personis awfullie and tressonablie set fyre about the saidis houssis and had almaist cruellie and unmercifullie brunt thame thairin, wer not thay, for eschewing of the furie of the fyre, comeing furth of the saidis housses upoun esperance and houp that mercy sould have bene schawne to thame,"—after which the said persons "spairit thame a little space," but at last "maist cruellie, schamefullie and mercyleslie murtherit and slew" them all, "and kaist thame in the fyre." Immediately afterwards, the malefactors had repaired to the Laird of Glengarry, and "with all glaidnes of hairt wer ressett be
Page 942. him and upoun his landis."—Charge had been given to defenders and to Donald M^cEanair V^cAllen to answer; and now, neither the said Laird nor any of his said men appearing, the order is to denounce them.

Katherine Reid against the Baron of Kilravock for resetting certain malefactors.

The 27th instant is assigned to Katherene Reid, relict of Mr. Alexander Dumbar, dean of Murray, one of the senators of the college of justice, for proving the following points of her libel against the Baron of Kilravock: (1) His reset of David Ros M^cWilliame, Allaster Ros M^cWattie, Johne Ros M^cWattie, Walter Ros M^cWattie, David Ros M^cWattie, George Ros M^cWilliame, Williame Ros M^cWattie, Angus M^cConill Oig, David Ros in Lyne, Williame Ros, his son, Farquhar Boyd, Androw M^cCondochy in Little Arnethie, Johne Dow M^cEane Roy, *alias* Girls, Johne Ros M^cWattie M^cHucheoun, David M^cCondochy, Duncane, Andro, Johne, Williame Oig M^cCondacheis, and Thomas, all brothers, Donald M^cConill Reoch M^cCoull, before and after the murder of Alexander Oustie in Burgie and George Greif there, and the burning and reif mentioned in the
Page 943. said libel, committed by the said persons upon 8th November 1600; (2) his having the said broken men in his company at his trysts; (3) his giving of assurance for them and procuring of their assistance to others.—The pursuer, who appears by Robert Dumbar of Burgy, her son, and the said Baron, who is personally present, are warned hereof.

The 5th August next is assigned to Williame Duncane in Stratdowne for

William Duncan against the Laird of MacIntosh for the reset of stolen goods.

proving these points of a bill given in by him against Lauchlane M°Intosche of Dunnauchtane—(1) The reset by him, or by his wife and servants, in his place of Ellenamie, of ten kye with calf, fourteen sheep, one horse and one mare, or at least some of these goods, stolen four years ago from the complainer by the said Lauchlane's men; and (2) his having promised to cause redress for the same be made to the pursuer.—Both parties, being present, are warned hereof. Acta 1601–

James Cowpar against MacIntosh for a similar offence.

The 6th day of November next is assigned to James Cowpar in Innerbuchet for proving the masterful reif from him, by certain of the said Lauchlane's men, six years ago, out of the town of Dridallen, of eight oxen, six horses and mares, and the reset of the same at Ellenamie by the said Lauchlane's servants.—Both, being present, are warned hereof.

John Fraser against the Earl of Argyle.

The 5th day of August next is assigned to Johne Fraser in Lochanis, tenant of Johne, Earl of Mar, for proving that M°Condachy of Innerraw is Archibald, Earl of Ergyle's man.—Both parties are warned hereof.

The Comptroller against wine merchants in the matter of allowance for leakage claimed by the latter.

The 27th instant is assigned to Sir David Murray of Gospertie, comptroller, James Nisbit, and Robert Arnot, for proving an allegation made by them in the action pursued against them by the importers of wines "anent ane allowance to be gevin to thame for thair lekkage in tume treis,"—whereby "the said Robert Arnot, for himself and in name of the said Comptroller and remanent takisman of the customes and impoist of the wynis, allegit that he hes bene in possessioun of payment of the sowme of tuenty-ane pundis of the tune of wyne brocht hame and lost be certane marcheantis within the realme, without ony defalcatioun or allowance gevin to thame for thair lekkage and tume treis." The Council "ordanis letters to be direct to summond sic witnessis as the saidis defendaris will use for preving of the said matter to compeir upoun the day foirsaid, under the pain of rebellioun."—Sir David Murray, Robert Arnot and James Nisbit, being personally present, and Joseph Marjoribankis, Alexander Clerk and Mr. Nicoll Broun, merchants, with "certane uther merchantis, hame-bringaris of the wynis," being likewise personally present, are warned hereof. Page 975. Page 976.

Edinburgh, 24th July. Caution for Campbell of Cawdor.

Caution by Johne Campbell of Caddell, as principal, and Walter Kynnaird of Cowbin, as surety for him, that he will keep good rule, oppress none of the lieges, and satisfy all persons skaithed, under the pain of £5000; also, that he will answer to future complaints against him, under the pain of 3000 merks. Page 977. Page 978.

Caution for the Laird of Grant.

Caution by Johne Grant of Freuchie, as principal, and Patrik Dumbar of Culboyak, as surety for him, that he will answer to such complaints as may be made against him, under the pain of 3000 merks. In respect of the present caution, the act whereby Williame Murray, apparent of Tullibairdin, became surety for the said principal's compearing before the Council upon 6th November next, is discharged.

Complaint by Mr. Patrik Wilkinschaw, minister at Monkland, as follows: Page 944.

Acta 1601-2. —Upon 5th July instant, he had gone to his lodging in Glasgow, set by him to Adame Boyd, son of Lord Boyd, to crave the rent thereof, and, finding the said Adame within the same, had shown him that he had obtained a decree of removal against him. Whereat he, "falling in a grit rage," not only used injurious words to complainer, but "strak him with his foldit neiffis on the face, the said complenar being destitute of his suord and all uther kynd of armour." He had complained to Sir George Elphingstoun of Blythiswode, provost of the said burgh, who not only promised that he "sould be in suirtie and out of danger," but "tuik cautioun of the said Adame for his indempnitie," under pain of 1000 merks. Yet the said Adame, accompanied by Robert Elphingstoun, brother of the said Sir George, and Williame Hiegait, son of Archibald Hiegait, burgess of the said burgh, and others, "lay at await for the said complenar about the wynd heid of Glasgow the space of thrie houris immediatlie efter the making of his said complaint," and, finding him there, "at his comeing to his hors about sax houris at evin, to have ryddin af the toun," pursued him for his slaughter and wounded him in the "craig." In consequence of this tumult the provost and bailies had apprehended the said parties, and were convoying them to their tolbooth, when, "throw the multitude of the people, the saidis Robert Elphingstoun and Williame Hiegait come behind the said complenaris bak, and maist cruellie invadit him for his bodilie harme and slauchter, gaif him tua straikis, the ane on the schoulder and the uther on the heid, quhairwith thay cuttit his harne-pane, sua as thair wes aucht banis tane out of his heid."—The pursuer appearing by Masters David Weymis, Johne Mureheid, and Archibald Normond, his procurators, the defender, for non-appearance, is to be denounced rebel. Edinburgh, 26th July. To denounce Adam Boyd for not appearing to answer a charge of assaulting the minister of Monkland.

Page 945.

Sederunt—Cancellarius; Ergyle; Mar; Master of Paislay; Treasurer; Secretary; Comptroller; Collector; Ros; Kinlos; Haliruidhous; Privy Seal; Justice Clerk; Sir Robert Melvill[1]; Sir George Dowglas. Edinburgh, 27th July.

David Dumbar of Daldork appears as procurator for Mr. George Dumbar, parson of Cumnok, and gives in a copy of the letters raised by Williame Craufurd of Leifnoreis, Johne Campbell of Schankstoun, George Craufurd of Auchincors, Charles Campbell of Horscleuch, Williame Campbell of Glesnok, Johne Campbell in Borland, George Craufurd in Auchinvy, George Logane of that Ilk, Hew Campbell in Boig, and Hew Campbell in Garriallane, charging the said Mr. George to appear and hear the letters obtained by them,—in suspension of his letters against them for relieving him of their parts of the late taxation of 100,000 merks,—produced and discussed, notwithstanding his protest to the contrary.—The said Williame Craufurd and his colleagues not now appearing, the said Protest in favour of Mr. George Dunbar, parson of Cumnock.

[1] He is designated of Murdochairny in the Book of Sederunts (Fol. 36, b).

procurator protests that the said Mr. George shall not be held to answer farther to their letters, and that his letters of horning shall be put to farther execution. The Lords admit the protest and ordain accordingly. Acta 1601–2

Renewed Act against barrelling herring for export before 1st October.

As, notwithstanding the Acts and proclamations against packing and exporting herring before 1st October yearly, "certaine avaritious and godles personis" intend to salt, barrel and export herring taken in the west seas and lochs before the said day, and have already made bargains to that effect, there is to be proclamation at the market crosses of Glasgow, Air, Irwing, Renfrew, Dumbartane and other places, discharging all persons from such disobedience, under pain of confiscation of the herring and of the rest of their moveables, two-thirds for the King's use and one-third for the informer. Page 946.

To denounce Dunbar of Hemprigs for not producing the deposition of a certain person who has confessed to the forging of infeftments.

Action by Mr. James Dundas, chantor of Murray, as follows:—Thomas Dowglas, servant of Williame Dumbar, portioner of Hemprigis, having most falsely forged divers heritable writs importing the "wrak and hurt" of sundry persons, and at last "being moved and pricked in conscience," had, in presence of his said master, and of Nicoll Watsoun, portioner of Coutfauld, and George Cumyng, notary public, confessed his false proceedings and mentioned the writs he had forged and the persons hurt thereby. "Amang the rest, he gave ane ample confessioun of sindrie evidentis and writtis quhilkis he had writtin in the said complenaris name and counterfait his subscriptioun thairunto, avowing thairwithall that he had never sene that write or subscriptioun bot he wald counterfait and resemble the same sa neir as the writter could not decerne upoun his awne handwrite." Now, although this confession of the said Thomas, subscribed by his said master, and by the notary and witnesses, is still extant, the said Williame Dumbar "obscuiris and conceallis" the same, and suffers none of the lieges having interest therein to have inspection thereof, "bot intendis to keip up the same quhill the deceis of pairteis and witnessis remove all moyan of improbatioun of the saidis writtis; lyke as the said complenar hes ressavit sindrie advertismentis and informationis that the said Thomas hes oppinlie declairit that he hes sa fynelie and vivlie counterfait his subscriptioun to the writtis and evidentis quhilkis he hes feinyeit in the said complenaris name that he himself nor na utheris salbe able to decerne the same, sua that, albeit during the said complenaris tyme thir writtis be obscuirit and keipit up, yit, efter his deceis, the personis in quhais favouris thay ar feinyeit will not faill to use the same aganis his airis, and sua outher to bereif thame of that small portioun of leving quhilk lauchfullie he hes acquyred and conqueist, or ellis to bring upoun thame the warrandice of uther lands, quhilk will evict fra thame his said heritage."—The pursuer appearing by Robert Dumbar of Burgy, the said Laird of Hemprigis, for neither appearing nor having produced the said Thomas nor his confession foresaid, is to be denounced rebel. Page 947.

James Galbraith against John

Complaint by James Galbraith in Balgar, as follows:—Upon 1st November 1601 and 9th May last, "sindrie disorderit brokin hieland men,"

Acta 1601-2. to whose depredations he has been subject, reft goods from him furth of the lands of Corrie of Balglas, and conveyed the same to the dwelling-house of Johne M°Kiesoun in Borland of Drumont, where they were resetted and disponed of. Again, the said thieves, having, in September 1597, stolen out of his fold of Caislie three kye, conveyed them to the dwelling-house of Patrik Galt *alias* Alasoun in Clasmoir, where they were disponed of.—The pursuer appearing, the defenders, for not appearing, are to be denounced rebels.

McKieson and Patrick Galt for resetting stolen goods: The defenders denounced.

Page 948.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, purporting that, notwithstanding the Acts of Parliament against bearing and using fire-arms, yet, on the 15th of April last, Mr. Mathow Ros of Hanyng, and Thomas and Allane Rossis, his brothers, were armed with hagbuts and pistolets, and discharged two hagbuts at James Wallace and Williame Wallace, sons of Williame Wallace of Dullaris, "af the ground of the landis of Hanyng ouer the Watter of Cesnok," while they were "passing doun thair fatheris croft of the lands of Dullaris in quyeit and sober maner,"—also that, in March last, the said Thomas and Allane appeared armed with hagbuts and pistolets in the kirkyard of Kilmernok,—"quhome the said Mr. Mathow allowit, thay being accumpanyit baith hame and afeild with ane barrell full of poulder to furneis thair schottis as occasioun sould offer."—The pursuers appearing, and the said Mr. Mathow, and Allane, his brother, being also present, the Lords assoilzie the defenders, because the pursuers have failed in their proof.

The Treasurer and Advocate against Ross of Haning and his brothers for bearing and using fire-arms: The defenders acquitted.

Page 949.

Complaint by Katherene Reid, relict of Mr. Alexander Dumbar, dean of Murray, as follows:—In the Parliament held at Edinburgh in June 1594, it was ordained that every thief or masterful oppressor shall be esteemed the man of him of whom he holds land, or whom he accompanies at gatherings, or on whose ground he is wittingly resetted 12 hours together, or who has received band of manrent or given band of maintenance to such thief, or who has had such thief under assurance (1594, c. 37, iv. p. 72). Now, upon 8th November last, David Ros M°Williame and his accomplices foresaid (*ante*, p. 425), all thieves and sorners of Clans, armed with bows, habershoes, two-handed swords, hagbuts and pistolets, came at night to the town of Burgy, belonging to complainer in liferent, and murdered Alexander [Oustie] in Burgy and George Greif there, her tenants, wounded Johne Glas and Thomas Glas there, reft from her and her tenants 15 score oxen and kye, 32 horses and mares, 16 score sheep, spuilyied the whole town of its plenishing, estimated at 2000 merks, "and tressonablie and awfullie rased fyre throughout the saidis landis, and brunt and destroyit the quantitie of ten scoir bollis of beir, aucht scoir bollis of aittis, and remanit upoun the saidis landis still feiding and intertenying the fyre quhill the saidis haill cornes wer consumed."—Before and after these misdeeds the said malefactors had been divers nights and days furnished and entertained by Williame Ros of Kilraak, Lauchlane M°Intosche of Dunnauchtane, and Angus M°Intosche

Katherine Reid against the Baron of Kilravock for resetting certain persons, committers of slaughter, horning, and hership: Decree for the pursuer.

in Termett, within their bounds and possessions, with full knowledge of these facts, and though they were of sufficient power to apprehend them. Farther, the said Baron and his said accomplices have kept trysts with the said thieves, accompanied them at public gatherings, given assurances for them, and made redress to certain persons whom they had spuilyied, —doing this "be the mediatioun of certane mid-personis, to cullour thair commandement and assistance of the foirsaidis brokin men"; whom, in fact, they retain to be hounded out upon "thes personis aganis quhome thay have particular quarrellis, to reif, herry and oppres thame." Furthermore, "the saidis brokin men and surname of the Rossis particularlie abonewrittin, being challangit and persewit be the name of Dumbar within the toun of Narne, in the moneth of the year of God j^{m} , for dyvers attemptis committit be thame, conforme to ane commissioun grantit be his Majestie to that effect, the said Barroun of Kilraak and the said Lauchlane M^{c}Intosche and Angus M^{c}Intosche, accumpanyit with ane grit force, come and relevit sic of the saidis broken men and surname of Ros abonewrittin as wer within the said toun, sua that the saidis commissionaris wer constranit to leif af the dew executioun of the said commissioun." Accordingly, the said Baron and his accomplices abovewrittin ought to be compelled to enter the said broken men before the King and Council to be made answerable to justice.—The pursuer appearing by Robert Dumbar of Burgy, her son, and having passed from the pursuit of the said Lauchlane and Angus, and the said Baron appearing for himself, the Lords find and declare that the said Baron shall be answerable to the pursuer for the said broken men and for the wrongs committed by them upon her, and that he shall enter them to justice, because she has clearly proved her complaint.

Acta 1601–
Page 950.
Page 951.

Dunbar of Tarbet against the Baron of Kilravock for resetting certain male-factors: Decree against the defender.

Resumption of the action by Alexander Dumbar of Tarbett against Williame Ros of Kilraak, Hucheoun Ros, younger thereof, Johne Ros, provost of Narne, Patrik Ros, his eldest son, David Ros of Holme, Johne Ros, his brother, and Johne Ros in Reymoir, for resetting David Ros Williamesoun, Williame Ros, his brother, Allaster Ros in Airdrie, Johne, Walter and David Rossis, Angus M^{c}Annoy, Fergus Bow and Ewne Dow, before and after the burnings and herships committed at Dunfaill upon 15th May 1596 and 28th September last (*ante*, p. 400). The complainer appearing, and having passed from the pursuit of the Provost of Narne, and the Baron of Kilraak beng present for himself and his said son, and said Johne Ros of Cantray and the said son of the Provost also appearing, and Ros of Holme being excused by reason of his "disease and inhabilitie to travell," the Lords find the proof clear against the said Baron and declare that he shall be answerable in this case also, but assoilzie the other defenders because complainer has failed in his proof against them.

Page 952.
Page 953.

The Baron of Kilravock against the Sheriff of Moray, Dunbar of Tarbet,

Complaint by Williame Ros of Kilraak, as follows:—Upon 23rd June last, Allaster M^{c}Eane Oig, Allaster and Donnald M^{c}Innes, Ewne M^{c}Eane M^{c}Findlay Roy, Johne Owir M^{c}Conneill M^{c}Innes Moill, Donnald M^{c}Anedoy M^{c}Innes Mole, Allaster M^{c}Conill M^{c}Farquhar Gillichallum

Acta 1601–2. and Paull M^cFarquhar Doy, his brother, Gillespik M^callane Doy (Gillespik M^cAllane M^cEane Roy), Johne M^cConill Glas M^cGillichallum Eir, Neill Garrv, Donnald M^cLauchlane M^cGillespik M^cAmone, George Ros, Henry Roy M^cOtter, Williame M^cWilliame Vane, David Chisholme, Williame Chisholme, his brother, Johne Tulloch, Alexander Doles, Alexander and Williame Dempstaris, and David (? Donnald) Gowie, all broken men and sorners of Clans, came to the complainer's lands of Chapeltoun of Geddes, and there "in the dawing of the day" murdered Alexander M^cMicchell in Geddes, his servant, spuilyied his whole goods, to the number of 16 kye and oxen, 4 horses, 40 sheep, with the whole insight of his house, worth £100. Again, upon 28th September last, George Ros, son of Andro Ros, sometime in Turreich, Donnald M^cAnnarich, his servant, James Ros, son of the late Williame Ros in Kinstairie, Page 954. Allaster M^cEane Oig in Gleik (of Glenko), Donnald M^cLauchlane, James Bayne, Johne Bayne, his brother, Neill Assint, Allaster M^cConneil Roy, George Ros, Patrik Sinclar, Thomas Sutherland, Henry Roy M^cCotter, Williame M^cWilliame Bane, David Chisholme, Williame Chisholme, his brother, Johne Tulloch, son of Arthour Tulloch in Narne, Alexander Doles, Alexander and Williame Dempstaris, Allaster M^cAntone M^cEwne (Alexander M^cMune M^cEwne), George Dumbar, brother of Johne Dumbar of Moynes, Patrik Dumbar in Golfuird, Allaster M^cEane M^cInnes, Ewne M^cEane M^cFindlay Roy, Johne Owir M^cConill M^cInnes Moill, Rory M^cEane Oig, James Bayne, Allaster Dow, Williame M^cEane M^cHucheoun, Alexander Stewart, Anthone Andersoun, cook to the Laird of Moynes, Gorrie Dow, Donnald M^cEaneDoy, Allaster M^cEane V^cInnes, Donnald, his brother, Ewne M^cConill M^cFindlay, Neill Garrv, Paull Roy, Allaster Roy, his brother, Donnald Lewsauch, Williame Inche, James Gould, Walter Fraser, Johne Boy Grant, Johne Myllar, miller at Edinkillie, Allaster Roy, Ewne M^cGillespik and Donnald Monro, with their accomplices, all thieves and sorners of Clans, armed with bows, habershons, two-handed swords, hagbuts and pistolets, came, at 11 o'clock at night, to the complainer's place of Geddes, and there, having brought with them "certane lang treis, upoun the endis quhairof thay band certane poulder with hardis and schavis of aittis about the same," they set the same on fire, and "pat thame in dyvers pairtis of the easingis of the said hous, and kaist in fyre at the windowis of the same," remaining on the spot and "feiding and intertenying the fyre," until the said houses, consisting of a hall, five chambers, a stable and a number of other office houses, were all burnt, together with the whole plenishing of the same, estimated at £5000. Further, upon September last, Allaster M^cEane Oig of Glenko, accompanied by a number of "sornaris of his awne Clan and utheris thevische clanis of the cuntrey," came to the complainer's lands of Fernes and Auchnabechin, and reft from him and his tenants 12 score nolt and 24 score sheep and goats, and murdered Allaster M^cBrebir, Douglas, and Myllar, son of Mawnis Myllar, miller at the mill of Auchnabechin, his men. Moreover, upon 25th July last, the persons abovewritten came to the complainer's

and others, for abetting and maintaining certain persons guilty of slaughters, fire-raising, and herships: Decree partly in his favour.

house of Geddes, broke up the doors thereof, reft his whole plenishing, Acta 1601-
and "woundit to the deid" Alexander Cordyner, Williame Neilsoun, Allaster M^cEwir, and James Ros, his servants. Finally, upon 12th June last, Johne Dumbar of Moynes, Alexander Dumbar of Tarbett, Hucheoun Ros, portioner of Kinstairie, James and David Rossis, his brothers, and Walter Frissell, servant to the Laird of Tarbett, with others, came to the town and lands of Little Enoch, belonging to complainer, reft four score head of kye and oxen, six score sheep, 40 goats and four horses, and with shots of hagbuts and pistolets slew two horses, and away-took the whole Page 955.
plenishing of the said town, worth £100. Now, by the terms of the Act of Parliament at Edinburgh in Dec. 1567, ordaining that intercommuners with thieves shall be held to be art and part with them, and also of the Act of Parliament in 1594 c., 37 (*ante*, p. 429), Alexander Dumbar of Cumnok, Johne Dumbar of Moynes, Alexander Dumbar of Tarbett, Robert Dumbar of Burgy, Nicolas Dumbar of Boigis, Mr. James Dumbar of Sanquhar, and Patrik Dumbar are answerable for the authors of the said crimes abovewritten, inasmuch as they had been brought into that country for committing the slaughters, herships and burnings foresaid upon the complainer, and had been entertained by the said persons divers days and nights after the said misdeeds,—indeed during the whole month of November last. In fact, before the said fire-raising the said Laird of Tarbett had avowed that he could raise fire upon the complainer's lands. Farther, the said Sheriff of Murray, and Lairds of Moynes, Tarbett, and Burgy, are answerable for the said Allaster M^cEane Oig of Glenko, because he and his company were brought by them into that country at midsummer last upon their band of maintenance, and had been entertained in Murray for two months thereafter by a collection and stent lifted by the said Sheriff and his friends foresaid from their own kin inhabiting the said bounds. Moreover, the said Sheriff and his friends abovewritten gave assurance to the complainer in August last, in which they comprehended the said Allister M^cEane Oig and his whole company. Wherefore, the said sheriff and his friends above mentioned ought to enter the said Allaster and the other persons foresaid before the King and Council, to be made answerable to justice.—Charge had been given to the Lairds of Cumnok, Tarbett, Boigis, and Burgy to appear and answer; and Page 956.
now, both parties appearing, the Lords find and declare that the Lairds of Cumnok and Tarbett are answerable to the pursuer for the said Allaster M^cEane Oig, Allaster and Donnald M^cInnessis, and the other persons above complained of, and must therefore enter them to justice, because the pursuer has clearly proved his case against them. This decree, however, is not to astrict the said Sheriff and Laird of Tarbett to be answerable for the said persons in time coming; and the Lairds of Burgy and Boigis are assoilzied, because pursuer has failed to prove any part of his complaint against them.

The Baron of Kilravock against certain

Complaints by Williame Ros of Kilraak, as follows:—(1) As before, that Allaster M^cEane Oig and his above-mentioned accomplices (except Page 957.

Acta 1601-2.

Donnald M^cAne Doy M^cInnes Mole) slaughtered his servant Alexander M^cMicchell in Geddes and spuilyied his goods upon 23rd June last. (2) That at the same time they reft from David Roy in Geddes two horses one mare, twenty sheep, and thirty ells of grey cloth, with the whole plenishing of his house, worth £40. (3) That they took from Williame Neilsoun, the complainer's man, a mare and horse, six nolt and twenty sheep, with his whole plenishing; from M^cEwir there three horses, two kye, sixteen sheep, with his whole plenishing, and "tyrrit himself, his wyfe and bairnis"; from Johne Leich two horses, three kye and twenty sheep, with his whole plenishing; from Alexander Cordyner six horses, eight heads of nolt, and forty sheep; and from Nesie M^cNesie three horses, four heads of goods, with his whole plenishing, and "tyrrit himself, his wyfe and bairnis, his wyfe being new delyverit of ane bairne." (4) That upon 25th [? June] they reft from the complainer's house of Geddes his whole plenishing and "woundit to the deid" Alexander Cordyner, Williame Neilsoun, Allaster M^cEwir, and James Ros, his servants, and immediately thereafter passed to the dwelling-house of Johne M^cEwne in Torpreuch, broke up his doors, and intromitted with his whole plenishing in the house of Patrik M^cIntalyeour there. (5) That the said George Ros, Henry Roy M^cOtter, Williame M^cWilliame Bayne, David and Williame Chisholmes, brothers, Johne Tulloche, Alexander Doles, Alexander and Williame Dempstaris, and David Gowie, all men of Johne Dumbar of Moynes, came upon 7th June at night to the dwelling-house of Johne Forbes in , servant to the complainer, and "schamefullie and cruellie strak and dang him, his wyfe and bairnis, band thame handis and feit, and kaist thame in kistis," and reft his whole plenishing and moveables. (6) As before, that Johne Dunbar and his accomplices foresaid committed the already described spuilyie at the town of Little Enoch upon 12th June last (*ante*, p. 432). (7) That, upon 28th June, the broken men foresaid, accompanied by Hucheoun Ros, portioner of Cainstairie, James and David Rossis, his brothers, came to the house of Johne M^cConill M^cConquhy in Kilmone and reft from him five oxen, three score sheep, and thirty goats, and drove them to the burgh of Forres, where they sold the same at the market cross, being entertained by the provost and bailies thereof. (8) That the said persons, upon 2nd and 3rd July, came to the house of Johne Ros at Reymoir, took furth thereof his whole plenishing, with four horses, assaulted his wife, bairns and servants, and carried the said goods to the place of Moynes, where they made market thereof, and were entertained a long time by Johne Dumbar of Moynes. (9) That, upon 18th June, George Ros, with his accomplices, came to the house of Johne Roy Bowsoun, spuilyied the same, and wounded himself with swords and dirks, leaving him for dead. (10) That the said Donnald M^cLauchlane M^cGillespik M^cEane, with his accomplices, came upon 26th June to the houses of Donnald M^cUrie and Duncane M^cUrie at night, bound "himself, his wyfe, bairnis and servandis," and spuilyied the whole plenishing of their houses. (11) As before, that George Ros and Allaster M^cEane Oig

Dunbars for resetting and maintaining malefactors.

Page 958.

of Glenko, with their accomplices, committed the already described crimes upon 28th and September (*ante*, p. 431). (12) That, in November last, the said Allaster M^cEane Oig, with a number of broken men, came to the town and lands of Geddes, belonging to the complainer, and reft from Gredoch M^cErrocher, relict of Robert Nicoll, her whole goods and gear, together with certain kye, and drove the same to the house of Thomas Manis at the mill of Moynes, belonging to Johne Dumbar of Moynes, where they slew one of the kye, and where, a number of the complainer's servants having followed the said thieves for recovery of the said goods, the said Allaster M^cEane Oig and his accomplices "turnit bak and persewit thame of thair lyffes," afterwards passing to the dwelling-house of the said Johne Dumbar, where they were entertained by him divers days and nights.—Now, for the reasons given in the complaint of the pursuer against the Sheriff of Murray and others (*ante*, p. 432), Johne Dumbar of Moynes, Mr. James Dumbar of Sanquhar, James Dumbar, apparent of Boigis, and Mr. Thomas Dumbar, dean of Murray, ought to be held to answer for the authors of these slaughters, herships and burnings. —Charge had been given to Johne Dumbar of Moynes, Mr. James Dumbar of Sanquhar, and James Dumbar, fiar of Boigis, to appear and answer; and now, the pursuer and Dumbar of Moynes and Dumbar of Sanquhar appearing personally, and James Dumbar, fiar of Boigis, appearing by Nicolas Dumbar of Boigis, his father, who promises to be answerable for him, the Lords find and declare that the Laird of Moynes should be answerable to the pursuer for the said Allaster M^cEane Oig of Glenko and his accomplices, because the pursuer has clearly proved his case against him, but assoilzie the said Mr. James Dumbar of Sanquhar, and James Dumbar, fiar of Boigis, because pursuer's allegations against them have not been proved, notwithstanding the depositions of divers witnesses.

Acta 1601-Page 959.

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To denounce Dunbar of Strothers and others for not appearing to answer to a charge of shooting with intent to kill.

Complaint by Robert Dumbar of Burgy, as follows:—Notwithstanding the Acts of Parliament and Secret Council against carrying or using fire-arms, Patrik Dumbar of Conzie, Alexander Dumbar, his eldest son, Williame Dumbar of Strutheris, Johne Dumbar, James Dumbar, and Alexander Dumbar, his sons, Johne Baxter, his servant, Henry Fraser, also his servant, Andro Dumbar in Mercassie, and Alexander Dumbar of Lochiehillis, with their accomplices to the number of thirty persons, all armed with swords, lances, hagbuts and pistolets, came in August 1600 to the town of Forres, where complainer was for the time, and, he "being rydand out the hieway" and unaware of their presence, they "maist schamefullie unbesett and persewit him of his lyfe, and had not faillit to have slane him wer not be the providence of God and his awne better governament he raid in ane uther way." Farther, the said Williame Dumbar of Strutheris, Johne, James and Alexander, his sons, George Gordoun in Coltfauld, Henry Fraser, servitor to the said Williame, Andro Forsyth, Johne Gillandreis, James Wrycht, Johne Robertsoun, Richard Wysman, also his servants, Johne Watsoun, son of the late Nicoll Watsoun, portioner of Coltfauld, and Johne Tarras in Coltfauld, all armed with swords, gauntlets,

Page 962.

cta 1601-2.

lances, bows, arrows, hagbuts and pistolets, came upon 20th and 21st May last "in ane awfull and avowed maner" to the complainer's house of Hemprigis, and, he and his servants "being gangand in peceable and quyet maner within the close thairof," they "schot in at thame schottis of arrowis and gunis."—Charge had been given to Williame Dumbar of Strutheris, Johne, James and Alexander, his sons, and Johne Baxter, his servant, to appear this day to answer; and now, the pursuer appearing, but none of the defenders, the order is to denounce them rebels.

age 963.

Johne Ramsay of Pryour Lethame, appearing and giving in a copy of the letters raised by Alexander Wode of Lambilethame, charging him to produce this day the letters of lawburrows executed at his instance against Wode in order to the suspension of the same, protests that, as Wode does not appear, his said letters of lawburrows shall be put to farther execution against Wode. The Lords admit the protest and ordain accordingly.

Protest in favour of John Ramsay.

Sederunt—Cancellarius; Fyvie; Thesaurarius; Secretarius; Ros; Haliruidhous; Kinlos; Comptroller; Collector; Privy Seal; Justice Clerk; Advocate; Clerk Register; Elimosinar.

Edinburgh, 28th July.

The Lords of Secret Council, having "tane sufficient tryall anent the brokin men of the name of Ros within the boundis of Murray," find and declare "that Lauchlane M^cIntosche of Dunnauchtane, as he on quhome the saidis brokin men properlie dependis and quha hes maist powar and force to mak thame obedyent, aucht and sould be answerable for thame in tyme comeing, as alsua that he aucht and sould be answerable for the haill brokin men duelland within the boundis of Pettie, Brachlie, Stratherne and Stranarne." Farther, because "ane of the cheiff caussis quhilk procuris the frequent heirschipis and ennormiteis committit be the disorderit thevis and lymmaris of the Clan Chamroun, Clan Rannald and M^cInabrichis," is the free resort and passage they have through the lands of Symone, Lord Fraser of Lovat, Johne Grant of Freuchie, Lauchlane M^cIntosche of Dunnauchtane, Williame Ros of Kilraak, and Johne Campbell of Caddell, the said landlords shall be answerable for all reifs by the said thieves the booty of which passes through their bounds.

Order with regard to the broken men of the name of Ross.

ge 964.

"Becaus sick personis as hes bene maist willing to schaw thair dewtifull obedience to his Majestie, in finding of cautioun for keiping and observing the generall band and for thair awne personall compeirance, hes ever bene in war caice nor these quha altogidder, without ony regaird of his Majesteis authoritie, hes refuisit to find the said cautioun: And becaus thay wer frie of that burdyne thay have ever the mair bauldlie at all tymes presumit to committ all sortis of heirschipis, fyre-raisingis and uther violent and mischevous deidis, and hes intertenyit, resett and fosterit grit nowmeris of brokin men: And sic as ar under cautioun hes not onlie bene subject to the utheris invasionis, bot hes bene restranit to requyte the same with the lyk actionis, being under the danger of the law in respect of cautioun found:—For remeid quhairof it is statute and ordanit

Order for all chieftains and heads of clans in the Highlands and Borders to appear and find caution for keeping the general band and laws against sorners and broken men.

that all the chiftanis and heidis of clanis and surenames, alsweill in the Hieland as Bordour, be chairgit, be oppin proclamatioun at the mercat croceis of the heid burrowis of the schyres quhair the personis duellis, to compeir betuix and ane certane day and find sufficient and responsall cautioneris actit and registrat in the Buikis of Secrete Counsall, alsweill for observing and keiping of the generall band and utheris lawis and Actis maid aganis sorneris and brokin men, as for thair personall compeirance. And, in cais thay failyie, the said day being bipast, that thay be denuncit rebellis and put to the horne. Efter quhilk tyme of thair denunciatioun, and during the tyme of thair rebellioun, it is declairit that na violent deid quhatsomever, done to thame be ony of his Majesteis obedient and dewtifull subjectis, sall ever in ony wayis be repairit, nather sall the saidis rebellis have ony actioun aganis the doaris of the same, bot it salbe frie to ony of his Majesteis lauchfull subjectis, during the tyme of thair rebellioun, without ony commissioun, frielie to invade, persew, take away heirschipis, and utherwayis to use ony uther violence aganis ony of the Clanis and surenames in the saidis Hielandis and Bordouris quhais cheif and capitane salbe rebell and at the horne for not finding of cautioun as said is, and thay sall not incur ony danger nor inconvenient thairthrow." Acta 1601

Caution for MacKenzie.

Caution by Alexander Dumbar of Cumnok, sheriff-principal of Elgyne and Forres, and David Brody of that Ilk, in 3000 merks, for Kenneth M^cKenizie of Kintaill, that he will compear before the King and Council when charged upon 20 days' warning. Page 978.

Edinburgh, 29th July.

Sederunt—Cancellarius; Mar; Fyvie; Roxburgh; Newbottle; Master of Paislay; Ros; Haliruidhous; Kinlos; Treasurer; Collector; Justice-Clerk; Privy Seal; Comptroller; Advocate. Page 964.

Sheriff of Moray and certain other Dunbars against the Baron of Kilravock for resetting certain malefactors: Decree for the pursuers.

Complaint by Alexander Dumbar of Westfeild, sheriff of Murray, Nicolas Dumbar of Boigis, James Dumbar, his son and apparent heir, and James Dumbar of Sanquhar, as follows:—(1) In August 1600, David Ros M^cWilliame, Williame Ros, his brother, Alexander Ros M^cWattie, Johne and Wattie Rossis, his brothers, M^cNeill Girbs (?), Farquhar Buy, Walter Ros M^cHucheoun in Kilmaine, Johne Dow M^cCondochie in Ardclaych, Arthure M^cGilleis there, Ros, son of the said Wattie M^cHucheoun, with others, all thieves and sorners of Clans, armed with bows, habershoes, two-handed swords, hagbuts and pistolets, came to the said Sheriff's lands of Balnageich in fair daylight and spuilyied six score kye and oxen, price of each £20, thirty horses and mares, price £30 each, 300 sheep worth 40s. each, and reft from his tenants and servants their whole plenishings, estimated at 1000 merks. (2) They came in October 1600 to the said Mr. James Dumbar's lands of Sanquhar and masterfully removed the whole plenishing of the said lands, worth 1000 merks, and barbarously slew with their swords 16 goats, worth £100, a brown mare, worth 40 merks, 12 kye and their followers, worth £240, 24 geese, worth 100 Page 965.

ta 1601-2. merks, and "tressonablie and awfullie raised fyre, brunt and consumit the said Mr. James haill biggingis, kistis, bedis, almereis, arkis, jewellis, gould and silver being thairin," to the value of £2000. (3) In May 1600 they came to the lands of Tulliglenis, belonging to the said James Dumbar, and reft three score kye and oxen, with their followers, worth £1200, four hundred sheep and goats, worth £800, six horses and mares, worth £120 together with the plenishing of his house, valued at £500. (4) In May 1601, they came to the said lands of Tullyglenis and spuilyied 24 kye and oxen, worth £500. (5) In November 1601 they reft from the lands of Chapeltoun, belonging to the said Nicolas, 20 kye and oxen, estimated at £500, forty sheep worth £80, and harried his cottars of the said lands of their plenishing, worth 100 merks. Now, by the express words of the Act of Parliament (1594, c. 37) the Baron of Kilraak ought to be held to answer for the said malefactors, because, before and after the com-
ge 966. mitting of the said deeds, they remained upon his ground and were entertained by him divers days and nights. Farther, since the committing of the said crimes, he has kept trysts with them, accompanied them at public conventions, given assurance for them, and made redress to certain persons whom they spuilyied, "and that be the mediatioun of certane mid-personis to cullour his commandement and assistance foirsaid." Moreover, "the said brokin men and surname of the Rossis particularlie foirsaidis, being challangit and persewit be the name of Dumbar within the toun of Narne in the month of ," by virtue of a commission granted to that effect, the said Baron, accompanied by a great force, relieved such of them as were within the said town, so that the said commission could not be executed.—The Lairds of Westfeild, Boigis and Sanquhar appearing, and the said James Dumbar, son of the said Nicolas, appearing by his father, and the Baron of Kilraak being also present, the Lords find that the case has been proved against the said Baron, and that he is answerable for the said depredators.

ge 967. Complaint by Johne Campbell in Dollour, Williame Huttoun there, Johne Drysdaill there, and Johne Patoun in Hilfute, as follows:—They have been put to the horn for not paying the Bishop of Dunkeld £16 for their parts of the late taxation of 200,000 merks for the lands of Castle Campbell with the kirklands of Dolour. Now, not being feuars, vassals, or sub-vassals to the said Bishop, and holding no lands, spiritual or temporal, of him, they are not subject in relief for any part of the said taxation. Yet, for eschewing the danger of horning, they had paid the said sum shortly after the charge—at least long before the denunciation used against them—to Archibald Prymrois, writer. Moreover, by common law and practice the said denunciation is null, as they had been put to the horn at the market cross of Perth, while their residence is in the shire of
ge 968. Clakmannane. On these grounds, and because they have found caution in £20 each for their escheats in case they are lawfully denounced, the said horning should be suspended.—Patoun appearing for himself and the other pursuers, and the said Bishop being also present, but Sir George Home of Spot, treasurer, failing to appear, the Lords do suspend the said horning.

Suspension of horning against John Campbell and others anent payment of taxation.

Margaret Home and certain Mitchelsons against certain Cairncrosses for molestation and oppression.

Complaint by Margaret Home, relict of Robert Mitchelsoun in Blak- Acta 1601
hauch, George, Alexander, James and Andro Mitchelsones, his sons, Johne Mitchelsoun, son of the late Johne Mitchelsoun, in Nether Lugait, Johne Mitchelsoun in Currie, Johne and James Mitchelsonis, his sons, as follows:—Williame Cairncorse of Colmuslie, brother-son of Walter Cairncors, James Cairncors, his son and apparent heir, Alexander and Johne Cairncorssis, brothers of the said Williame Cairnecors of Colmislie, Nicoll Cairncors of Calfhill, Nicoll, James, George, Robert and Cairncrossis, his sons, Robert Cairncors, his brother, George Cairnecors, his brother, Charlis Cairnecors in Birksneip, George, Robert, James, Williame, Johne and Nicoll Cairnecorssis, his brothers, Walter Cairnecors, elder, and Walter Cairnecors, younger, and Williame Cairnecors, sons of the late Walter Cairncors, Williame and Johne Borthuikis, brothers of the late James, Lord Borthuik, Johne Cairnecors, son of the late Walter Cairnecors, Johne Cairncors, called the "Cheif," James Lawder, brother of the Laird of Lawder, Johne Cranstoun of Kirkhill, Mr. Robert Home of Carrelsyde, and Williame Pringle (? Ferry), portioner of Cortilferry, not only molest and oppress pursuers in the possession of their lands, but also menace to have their lives, lying "at await for thame at all occasionis" with that view.—The pursuers appearing by Page 969.
the Goodman of Manderstoun, their procurator, but the said Alexander Cairnecors, brother of Williame Cairncors of Colmislie, Walter Cairnecors, elder, and Walter Cairnecors, younger, and William Cairnecors, sons of the late Walter Cairnecors, Williame and Johne Borthuikis, brothers of the late Lord Borthuik, Johne Cairnecors, son of Walter Cairnecors, Johne Cairnecors, called Johne the Chief, failing to appear, the order is to denounce them rebels. The remanent defenders foresaid are required to find sufficient caution and lawburrows for the indemnity of the complainers, —William Cairnecors in 3000 merks, James Cairnecros in 3000 merks, Mr. Robert Home of Carrelsyde, and Nicoll Cairncors of Calfhill, in 2000 merks each, Charlis Cairnecors in Birksneip in £1000, and each of the rest in 1000 merks.

To denounce John and Cuthbert Greir for not answering to a charge of oppression.

Complaint by Harbert Ahannay at the Keirmylne, bearing that, in May last, Johne Greir in Punland and Cuthbert Greir in Capenoch, armed with pistolets, swords and other weapons, came to his dwelling-house at the Keir in Pundland, and there, after many threatening speeches, shot one of their pistolets at him; also that, daily since then, they "maist Page 970.
havelie molestis, troublis and oppressis" him in the possession of his lands.—The pursuer appearing, the defenders, for not appearing, are to be denounced rebels.

Richard Smith against Bruce of Clackmannan for abstracting his titles and molesting him in his lands: Decree for the defender.

Complaint by Richard Smyth of Over Fingask, to the effect that, in June 1601, Sir Robert Bruce of Clakmannane, accompanied by certain of his servants, came to pursuer's dwelling-house of Over Fingask, violently broke the same, and masterfully reft his whole evidents (which are still withheld from him), and that, continually since then, the said Sir Robert molests him in the possession of his lands, intending at Whitsunday next

Acta 1601-2. to dispossess him therefrom.—Both parties having appeared on 29th June last, and Sir Robert having then denied all the points of the complaint, this day had been assigned to the pursuer for proving his allegations; and now, Bruce again appearing, but the pursuer failing to appear, the Lords assoilzie Bruce.

Captain Heron against the Menteiths of Carse, elder and younger, in the matter of letters of lawburrows and the pains contained therein.

Page 971. Action at the instance of Captain Patrik Hering, and Cristeane Reid, Lady Randiefurd, his spouse, as follows:—Sir Williame Menteith of Kers, alleging that they and their servants continually trouble and oppress him and the tenants of his proper lands by uplifting the teinds thereof, had obtained letters charging them to find caution for the indemnity of him and his said tenants, under the pain of 2000 merks. Now, the said letters "ar evill and inconsideratlie execut," inasmuch as the said Captain is "bot ane gentleman unlandit," and cannot, by the Act of Parliament, be charged to find caution in more than 200 merks. Accordingly, till the said pain be modified to that sum, the said letters of lawburrows ought to be suspended. Nevertheless, for eschewing the danger of horning,

Page 972. complainers have found caution in the said greater sum.—The pursuer appearing personally, and the defender by Johne Hammiltoun of Drumry, his procurator, the Lords suspend the said letters of horning, but ordain the said sum of 2000 merks to stand without any deduction.—In a similar suit by the same pursuers on the same day against Williame

Page 973. Menteith, fiar of Kerse, the decision is verbatim the same.

John Milne against John Lawson and others for conspiring to murder him and for violence done to him.

Complaint by Johne Mylne, burgess of Dundie, as follows:—"Issobell Lowsoun, his spous, haveing maist unnaturallie and unkyndlie schaikin af that naturall regaird and dewtie quhilk scho aucht to him, and haveing practised, consultit and advysit with Alexander and Johne Lowsonis, her brether, how and in quhat maner thay mycht procure his deith and destructioun, in end thay agreit upoun the forme, tyme, maner of the executioun of thair intendit murthour, and conducit and agreit with David Smyth, servand to Thomas Johnestoun, quha is servand to the Maister of Glammis, to be executour of the said murthour. And, for this effect, his said guid-brether delt and travellit with him in maist freindlie maner to keep ane tryst with thame at the Mure of Kirkbuddow, for certane occasionis quhilkis thay had to communicat unto him. And the said complenar, suspecting nathing les then ony sic crueltie as wes intendit be thame, come to the said Mure, quhair thay had the said David Smyth, with certane utheris, lying at await for him to murdreis and to slay him: quha, at the first sicht of the said complenar, sett upoun him, and schamefullie and unmercifullie invadit and persewit him of his lyfe, hurt and woundit him in dyvers pairtis of his body, and left him for deid. Alwayis, be the providence of God, the said complenar being eschaped with grit hasard and perrell of his lyfe, and being brocht to the toun of Forfar, quhair he lay ane lang tyme under the cure of chirurgianes, his said unnaturall spous and hir said brether, finding thameselffis disapointit of thair intendit conspiracie, and persaving that he wes lyk to be curit and mendit of his saidis woundis, thay thairfoir, all consenting and

colluding togidder, come to the said complenaris duelling hous and buith in Dundie"; whence they away-took all the merchandise in his booth, estimated at 3500 merks, carrying the same to the house of David Fyfe in Dod, who resetted and harboured them for 18 days. From that house they took them to the house of Robert Montgomerie in Hattoun, where they were kept for seven weeks. Complainer, on being able to travel, had gone to Montgomery's house, and desired restoration of his wife and goods; and Montgomery had promised this if the complainer would bring him a certificate from the magistrates of Dundie, "testefeing the undeutifull using of his said spous and hir brether foirsaidis." Pursuer had obtained such a certificate; but meanwhile Montgomery had put his wife and goods away, "and thay past againe to the said David Fyfe, quhair thay remanit a lang tyme thairefter."—The pursuer appearing, and also Johne Lowsoun, Alexander Lowsoun and David Fyfe, the Lords assoilzie the said defenders, because pursuer has failed in his proof; but Montgomery, not having appeared, is to be denounced rebel. Acta 1601-2. Page 974.

To denounce Moutray of Seafield for not appearing to answer for his rebellion.

Charge had been given to Moultray, elder of Seyfeild, to answer this day for his "proud and contemptuous rebellion" in remaining at the horn, with certification that, if he failed, he should not only be again denounced but should be pursued with fire and sword, his houses taken and his goods intromitted with. As he does not appear, the order is to denounce him again and to escheat his goods. Page 975.

Edinburgh, 30th July. Order respecting a ship from Dantzic, suspected of having the plague on board.

Understanding that a ship of Carraill has arrived from Danskene, "quhairin thrie or four personis hes depairtit this lyfe," and that the plague is "very vehement within the said toun of Danskene," the King and Council ordain that "scho salbe transportit to Inchekeith and thair lose hir haill ladning, handle and [be] clangit, and that scho and hir equippage sall thair remaine quhill, efter sufficient tryall, scho be licencit to repair quhair scho pleissis." There is order to charge the skipper and mariners, under pain of death, to repair with her as soon as possible to Sanct Colmb's Inch, and there to disburden her of her whole lading, "handle and clenge the same thair," and not remove till licensed. There is to be charge also to the magistrates of all the towns of the coast of Fyfe, and to those of Dundie, to suffer no ship from Danskene or any other suspected place to repair within their harbours, but to cause the same to remain in their roads, while there is any danger. Farther, there is order to Sir James Scot of Balweirie to remove himself, his family and goods, furth of Sanctcolmb's Inch within 24 hours after the charge, under pain of rebellion.

Falkland, 3rd August.

Sederunt—Cancellarius; Thesaurarius; Fyvie; Dunkeld; Ros; Advocatus; Computorum Rotulator; Collector; Elimosinar. Page 978.

Commission of wardenry for the Middle

As Robert, Lord of Roxburgh, warden of the Middle March, is "myndit schortlie to depairt and pas furth of this realme according to his Hienes

Acta 1601-2. licence," and as his Majesty is "cairfull that the ordinarie meitingis and the mutuall redres betuix the Marches salbe intertenyit, and that the absence of the said wardane be na hinder nor impediment thairunto, nor that disordourit and insolent personis thairby tak occasioun to brek louse and to mak incursionis, outher within the opposite Marches or within this realme," therefore his Highness, "understanding the guid affectioun of his trusty and weilbelovit Sir Andro Ker of Grenheid, knycht, to do his Majesteis service, and his lang experience to administrat the office of wardanrie, quhairin he hes borne speciall chairge under the said Lord of Page 979. Roxburgh thir dyvers yeiris bigane within the said Middle Marche, and [that he] is now recommendit be the said Lord to his Majestie as ane quha is maist meit and able to supplie his absence," appoints the said Sir Andro warden and justice of the Middle March during the absence of the said Lord, with power to hold warden and justice courts, and generally to do and exercise all and sundry the duties of the said office. Publication to be made accordingly, with charge to the lieges to obey the new warden, and "that nane of thame keip ony privat or publict trystis or meitingis with ony of the said opposite Marche without licence of the said wardane." March to Ker of Greenhead.

Complaint by Androw Ramsay at the Mill of Innerqueich, as follows :— Upon 28th June 1598, Allaster M^cAllaster M^cGregour, Johne Dow M^cEwne M^cGregour, and certain others, all broken men and sorners of Clans, came to the pursuer's lands of Corb and Drymcurie in the forest of Elych and shire of Perth, and there, at night, reft from him twelve kye with calf, four mart oxen and four other oxen, worth £20 a piece. Page 980. Again, the same persons came to his said lands upon 14th August following, and stole from him ten oxen and eight milk kye, worth £20 each. Now, the said malefactors being broken highland men, redress cannot be had unless Archibald, Earl of Ergyle, their master and landlord, present them before the King and Council.—Charge to that effect had been given to the Earl; and now, the pursuer appearing, but the said Earl not appearing, nor having entered any of his said men, the order is to denounce the said Earl rebel.—This day having also been assigned to the said Earl for entering Duncane M^cEwne M^cGregour, Allaster M^cAllaster M^cGregour, and Patrik M^cCondochy M^cGregour, his men, to answer a complaint by Thomas Haliburtoun in Mylnetoun of Mawis touching the reiving from him, in October 1601, of six kye, worth £20 each, four oxen, price £20 each, one stirk, worth 40s., and a mare, worth 40 merks, the Earl, for non-appearance and disobedience, is to be denounced rebel on this charge also.—He is also to be denounced severally on these additional charges—(1) for not entering his man, Johne Dow M^cEwne M^cGregour, to answer a complaint of James Young in Haltoun of Longcardy, touching Page 981. the reif, seven years ago, of twelve oxen and twelve kye; (2) for not entering Allaster M^cEane Oig of Glenko or Duncane Stewart of Appin, his men, to answer a complaint of Katherine Syme, relict of Walter Syme in the Grange of Abirlothie, touching the reif, eight years ago, of sixteen To denounce the Earl of Argyle for not having entered certain of his men accused of reiving.

oxen which she had in pasturage upon the lands of Glenyla; and (3) for not entering Ewne Dow M^cAllane Roy, and Duncane M^cGregour, his brother, alleged to be his men, for stealing from Williame Ambrose, weaver, at Michaelmas 1599, certain linen and woollen webs worth £100. Acta 1601 2.

Protest in favour of John Pinkerton and others.

Johne Pinkartoun in Rutherglen, David Pinkartoun, his brother, there, and Johne Wilsoun, wright, there, appear before the King and Council, and give in a copy of the letters raised by Patrik Stewart, indweller in Glasgow, charging them to answer touching their "hurting and wounding" of him "with swordis and quhinzearis, and mutilating him of his left hand." Stewart, who is also present, refusing to produce his letters or to insist in the pursuit, the defenders protest that they shall not be held to answer farther till again warned; and the Lords admit the protest. Page 982.

Perth, 6th August.

Sederunt—Cancellarius; Thesaurarius; Ros; Dunkeld; Computorum Rotulator; Collector; Elimosinarius.

To denounce the Earl of Argyle for not entering certain of his men accused of reif.

Order to denounce Archibald, Earl of Ergyle, for not appearing or presenting the following persons, his men, conform to the charge given to him: —(1) Donnald M^cEane Dowy M^cAllaster in Glencoane, for his reiving from Johne Stewart in Dalgus, in May 1601, furth of Strabraan, three mares with their foals; (2) M^cCondochy V^cEane Roy, for his reiving from Alexander Stewart, in October 1601, eleven horses and mares, worth 300 merks; (3) Ewne M^cAllaster Pudrach, for his reiving from Alexander Stewart, in March 1601, five horses and mares; (4) Johne Dow M^ceane M^cGregour, for his reiving from James Quhattane in Inchtuthill, in October 1600, two grey horses, three mares, and a "staig," worth 40 merks each; (5) Johne Dow M^cEwne M^cGregour, for his reiving in August 1594, from Hary Crychtoun of Over Benchell, forty-eight oxen and kye, worth £20 each, and twelve mares, worth 20 merks each; (6) M^cCondochy of Inuerraw, and Patrik M^cKais, his servitor, for reiving, in August 1598, from George Hay in Snago two oxen, two kye, a horse and two mares, and from Johne Scot there, four oxen, all worth £20 each; (7) Duncane Campbell, son of M^cCondochy of Inuerraw, for reiving from Androw M^cBaith in Hiltoun of Mawer, in November 1598, five kye with calf, worth £20 each; (8) Duncane M^cEwne M^cGregour, for the reiving from Haggart, portioner of Dulgarthill, , from Johne Pennycuik, younger there, a cow with calf, and from Johne Pennycuik, elder there, , in October 1601. Page 983. Page 984.

Neil Stewart against Campbell of Glenorchy, requiring him to answer for two of his men: Decree for the defender.

Complaint by Neill Stewart M^cWilliame in Forthergill, that Tailyeour M^cColerd and his father-brother, Sir Duncane Campbell of Glenurquhy's men, came in 1592 to the "Month of Sichallen," and there "reft, staw and away-tuik fra the said complenar saxtene wyld meiris," worth 800 merks. —The pursuer appearing, and Robert Campbell, son of said Sir Duncane, being also present, as procurator for his father, the Lords assoilzie the Laird of Glenurquhy from the entry of the said persons, because the said Robert has declared, by his "grit aith of veritie," that thay are not his men.

Acta 1601-2.

Complaint by David Walter, sometime in Gorthie, that, in April 1599, M^cGregouris, sons of George Gun, with others, all broken men and sorners of Clans, came at night to his house in Gorthie, violently broke up the doors, and spuilyied from him his whole goods, habiliments and plenishing, worth £500, and immediately thereafter passed with the said goods to Johne Comrie in Comrie, who resetted them, has these goods still in his possession, and will not return them to pursuer,—once "ane honnest and substantious housholder," but now driven to "extreme miserie and povertie."—The pursuer appearing, Comrie, for not appearing, is to be denounced rebel. David Walker against John Comrie for the reset of stolen goods, and for not restoring the same.

Page 985.

Complaint by George Ramsay of Banff, that Finlay Farquharsoun M^cRobert, Johne Farquharsoun, his brother, in Inuercaldy, Donnald Farquharsoun in Ballachastel, Lauchlane Farquharsoun in Downy in Glenyla, Johne Roy M^cDuff, Johne Tailyeour in Brochdarrag, and Williame M^cIlroy in , with others, all thieves and broken men, came upon 1st August 1593 to pursuer's lands of Walterscheill, and stole sixteen "tydie ky," worth £20 each, and forty-seven oxen, worth £24 each.—The pursuer appearing, but none of the defenders, the order is to denounce them rebels. To denounce Farquharson in Invercauld for not answering to a charge of reif.

Complaint by Johne Huntar in Bachary, that in the year certain thieves stole from him eleven oxen, which he had challenged in the possession of Johne Farquharsoun in Indecald, "in quhais pleuch some of the said complenaris oxin wer gangand," and who will not restore them, though often asked so to do.—The pursuer appearing, the defender, for not appearing, is to be denounced rebel. To denounce John Farquharson for not answering to a charge of reset of theft.

Page 986.

Complaint by Robert Robertsoun of Strowane, as follows:—Having been "straitit" by the King and Council to find caution for making his men answerable to justice, he has found the said caution, albeit a great number of persons dwell on his lands,—*e.g.*, the Clan Chamrone and Clan Gregour,—who are not obedient to him nor acknowledge him with maill, service or duty, but violently withhold his lands from him. "Alwayis, seing it hes plesit his Majestie sa hardlie to strait the said complenar at this tyme with the finding of the said cautioun, ressoun and equitie cravis that he have his relief of sic personis duelling upoun his landis for quhom he is obleist to answer."—Charge had accordingly been given to the following persons, under pain of rebellion, to appear and hear themselves decerned to find caution for the relief of complainer of his said cautionary and for all skaiths to be committed by them for which he may be challenged:—viz., Duncane M^cPatrik *alias* Robertsoun in Blairfeattie in Ranoch, George M^cCondochy *alias* Robertsoun there, Allaster M^cJames *alias* Robertsoun in Ranoch, Allaster M^cCondochy *alias* Robertsoun in Ranoch, Tarloch Robertsoun in Rannoch, Donnald Glas *alias* M^cGregour in Cairie, Johne M^cPatrik M^cGregour there, Johne Keir *alias* Chamrone in Fynwart in Ranoch, Johne Moir M^cEane Keir *alias* Chamrone in Rannoch, Johne Oig *alias* Camrone there, Allaster M^cFindlay V^cRobert *alias* M^cGregour there, Johne Roy Beig *alias* Robertson of Struan against Duncan M^cPatrick and others dwelling on his lands, requiring them to find caution for his relief: The defenders to be denounced for disobedience.

Camrone in Cannavoren, Angus M^cEane Virich there, Duncane M^cEwne Vane *alias* Camrone there, Malcolme M^cCallum M^cGregour in Inverchymrie in Ranoch, Duncane M^cCallum *alias* M^cGregour, his son, Patrik M^cConneill V^cJames there, William M^cNeill *alias* M^cGregour in Fernan, Neill M^cCallum V^cGregour there, Allaster M^cGregour Clerich there, Duncane M^cAllaster *alias* M^cGregour there, Johne Dow M^cAllaster *alias* M^cGregour there, Malcolme M^cGregour in Fernane, Malcolme M^cNeill M^cCondochy *alias* M^cGregour there, Robert Meinzeis of Comrie, and Johne Dow Meinzeis, his son, in the barony of Fernan. And now, the pursuer appearing, but none of the defenders, these are to be denounced rebels. Acta 1601-2. Page 987.

To denounce Mr. William Gordon and others for not answering to a charge of oppression and eviction.

Complaint by Lancelot Reidfuird, that, while he was labouring and manuring his roum and mailling of , Mr. Williame Gordoun of Drumethie, James Beg in Pettinsphink, Robert Leslie in Kynmony, Johne Leslie in Achannasie, Johnne Watsoun in Padokburne, Margaret Duncanesoun, widow there, with others, came to his dwelling-house upon 4th May 1594, and violently ejected him, and cast out and destroyed his whole plenishing, whereby he is now forced to "beg his breid," having been before "ane honest man."—The pursuer appearing, but none of the defenders, the order is to denounce them rebels.

Archibald Heron against Robertson of Struan anent goods stolen from him and resetted on the defender's lands.

Complaint by Archibald Herring of Drummene, as follows:—Upon 27th October 1596, Duncane M^cEane Dowveig M^cIndulich Birrach, being Robert Robertsoun of Strowane's man, with his accomplices, all broken men and sorners of Clans, came at night to complainer's lands of Drummene, and reft from him four oxen and two kye, and from Thomas Galaitlie, his tenant, one ox,—each ox worth £24 and each cow £20,—and drove the same to the Laird of Strowane's own lands, where they were resetted two years by M^cAllaster, mother of the said Duncane and tenant of the said Laird.—The pursuer and Strowane appearing, the latter alleged that, "be conditioun past betuix him and Johne Reid, eldar of Straloch, anent the same mater, the said Johne promeist to satisfie the said persewar for the guidis abonewrittin; lyke as the said persewar tuik him to his payment." The said Johne, having been called in, admitted the said promise, and alleged that Sir Thomas Stewart of Granetully promised to relieve him; and the said Sir Thomas, being also present, admitted that promise. The Lords therefore ordain Reid to restore the goods to pursuer and his tenant, or else pay them £10 for each of them. They also decern Stewart to relieve Reid at the hands of pursuer, conform to his promise. Page 988.

Sederunt.—Ut in die predicto.

Perth, 7th August. To denounce the Lord of Roxburgh and his surety for the non-entry of two rebels.

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, his Majesty's advocate, for the King's interest, and of Mr. Williame Murray, brother of Sir Johne Murray of Tullibairdin, as follows:—Captain Johne Ker of Lumphoy, and Jeane Gib, his spouse, had, upon 1st March last, been put to the horn by open proclamation at the market cross of Jedburgh, and had been

Acta 1601–2. registered thereat upon 10th March following, by virtue of letters raised at the instance of the said Mr. Williame, for not fulfilling to him, as assignee to a contract, of date 21st March 1598,—made between the said Johne and Jeane, as principals, and the late Colonel Alexander Murray, their cautioner, on the one side, and Johne Nasmyth, his Majesty's chirurgeon and burgess of Edinburgh, on the other side,—the clauses and articles of the same, after the tenor thereof, and decree of the Lords of Council, and assignation made to the said Mr. Williame thereupon by the
Page 989. said Nasmyth. The said Captain and his spouse have as yet remained at the horn, frequenting markets and other public places within the bounds of Roxburgh, whereof Robert, Lord of Roxburgh, is warden and justice; and the said Lord, being Johne Ker's master and chief, is answerable for him by the general band. Therefore, as "the said Mr. Williame hes usit letters of captioun and tressoun upoun the said horning," and as the said Lord became bound, as principal, and Robert, Lord of Sanquhar, and Androw Ker of Romanograngе, as sureties, that all such persons as the said Lord Roxburgh is obliged to answer for should keep the King's peace (as the Act, dated at Edinburgh 25th July 1596, bears), Lord Roxburgh and his cautioners ought to present the said persons to justice.—Charge to that effect had been given to the principal, and to Andro Ker, his surety; and now, the pursuer appearing, the defenders, for not appearing nor having entered the said rebels, are to be denounced and put to the horn.

William Strageith against Mr. Maurice Drummond for reif.

Complaint by Williame Strageith in Strabravin, that, upon 25th October 1586, Mr. Mawrice Drummond in Perth reft from him two kye
Page 990. with calf, worth £20 each.—Both parties appearing, the Lords assoilzie the defender, who has declared by his "grit aith" that the accusation is not true.

Alexander Scott against Elspeth Drummond for oppression.

Complaint by Alexander Scot in Kincairdin, as follows:—Elspeth Drummond, relict of Williame Grhame of Panhollis, without any cause, had not only ejected him furth of the piece of land which had been "sett to him for his service, and quhairof he had bene in possessioun dyvers yeiris," but had also expelled him from her service. Farther, in May last, she had directed Robert Grhame of Thornik, and Williame Burdoun, her servant, to the lands of Culchrie, where the complainer was living in peceable manner, and there taken him, committed him to ward, laid him in the stocks, and reft from him four heads of cattle.—The pursuer appearing personally, and the defender by the said Robert and Williame, her procurators, and the latter having admitted the taking of the pursuer, and pleaded a commission to that effect granted to Johne, Earl of Montrois, chancellor, and the said commission, subscribed only by his Majesty, and not registered or signetted, nor yet subscribed by the ordinary Officers of Estate, having been produced by the said procurators, and Sir George Home of Spot, treasurer, having asked instruments thereupon, the Lords
Page 991. ordain the defender to restore to the pursuer the two kye and two stirks which he swears had been reft from him.

Representation by Sir George Home of Spot, treasurer, and Mr.

Decree against Stewart of Grantully as surety in an act of caution, contravened by MacDonald of Glengarry, the principal.

Thomas Hammiltoun of Drumcairne, his Highness's advocate, for his Majesty's interest, as follows:—In June last, Sir Thomas Stewart of Garnetullie became surety for Donnald M^cAngus of Glengarry in 5000 merks, that he should remain in Perth till he had entered a sufficient pledge for the good rule of such as he is answerable for. Yet, the said Donnald has departed without entering his said pledge,—"at the leist, gif ony plege wes enterit, thair wes na lauchfull entrie of him; bot the said Donnald, without ony lauchfull entrie of his plege, and afoir he wes lauchfullie tane af his hand, hes convoyit and put him away: sua that yit thair is als grit uncertaintie of the guid behaviour of the said Donnald, and sic as he is answerable for, as thair wes befoir the finding of the said cautioun."—The said Sir George and Sir Thomas appearing, the Lords find and declare that Glengarry has violated the said caution, and therefore decern Stewart, his surety, to be liable in the said penalty. Acta 1601-2. Page 992.

John McIncaird entered by Robert Campbell.

Robert Campbell, son of Sir Duncane Campbell of Glenurquhy, as procurator for his said father, enters Johne M^cIncaird, Glenurquhy's man, for satisfaction of the ordinance made against the said Robert, at the instance of James Watt in the Hoill of Cunlandis, Johne Dowglas in Logyalmond and Williame Dow in Little Tullybeltane, for redress to be made to them of certain goods taken from them by him in November 1596. M^cIncaird is ordained to be committed to ward in the tolbooth of Perth, and to be detained there till he satisfy and make redress to the said persons.

Sir James Stewart's band.

Caution by Sir James Stewart of Newtoun and Johne Stewart of Fos for payment to Thomas Donnaldsoun, chapman, of £40 by Michaelmas next, in satisfaction for his pack reft from him four years ago by Allaster Stewart, brother of Johne Dow M^cGilliechallum, the Earl of Atholl's man.

Caution for Robert Campbell.

Caution in £1000 by James Campbell, fiar of Laweris, for Robert Campbell, son of Glenurquhy, not to harm Duncane M^cGillechallum.

Alexander Wallendy against Duncan Robertson for reif.

Campbell, younger of Glenurquhy, having entered Duncane Robertsoun *alias* M^cIlstalker, conform to the term assigned to him, to answer to a complaint by Alexander Wallendy in Calie, touching the reiving from him of twelve kye and oxen in 1595, the Lords ordain Robertsoun to make redress to Wallendie of the said goods, or else to pay him 20 merks for each cow and ox,—the pursuer having given his oath as to the number and price in presence of the said Lords. Page 993.

William Chalmer against Menzies of Weem for restitution of goods stolen.

Complaint by Williame Chalmer of Nether Cloquhat, as follows:—In 1601, Donnald Meinzeis, Alexander Meinzeis of Weyme's man, came at night to the pursuer's lands of Nether Cloquhat, and stole from him six oxen, worth £20 each, and five kye with calf, worth £16 each, and drove them to the Laird of Weyme's bounds, where they were resetted by his tenants. Upon complainer's suit, the said Laird, by his obligation granted to Sir Patrik Murray of Ganyis, bound himself either to restore the said goods or pay the price thereof, or to enter the said Donnald upon a certain day, "provyding he wer leving." Farther, the said Laird took a band of the said Donnald's father and brother for redress to him of the

Acta 1601-2.

said goods. In the meantime, however, the Laird, "to the effect he sould nawayis enter the said Donald, and to revenge some particular of his awne aganis him, directit and houndit out certane his servandis, quha cruellie and unmercifullie slew the said Donnald."—The complainer appearing personally, and the Laird of Weyme by Duncane Meinzeis, his brother, the Lords ordain the Laird to pay pursuer £20 for each of four [*sic*] oxen, and 20 merks for each of the five kye, by Michaelmas next, under pain of rebellion.

To denounce the Earl of Argyle for the non-entry of certain of his men accused of reiving.

Archibald, Earl of Ergyle, is to be denounced rebel for neither appearing nor having presented the following persons, his men, conform to the term assigned to him:—(1) Johne Dow M^cEwne M^cGregour, charged with reiving from Mathow Robertsoun in Over Benchell, on 9th August

Page 994.

1594, three kye with calf, and two oxen, worth £20 each; (2) Johne M^cCondochy V^cEane Roy, Duncane Stewart of Lorne's man, charged with reiving, in 1600, from Gelis Troupe, spouse of Donnald M^cThomas of Glensche, five horses, two oxen, and a cow, worth £20 each; (3) Duncane M^cCondochy, son of M^cCondochy of Inuerraw, and Patrick M^cCondochy, charged with reiving, in November 1597, from James Andersone, son of the late Robert Andersoun, in Drumharrow, the whole goods and gear within his house, and with then cruelly slaying his said father.

Robert Henderson against Menzies of Weem for non-entry of his man accused of reif.

Alexander Meinzeis of Weyme had been charged to enter Johne M^cGibboun, his man, to answer a complaint by Robert Hendersoun in Byres of Murthlie, touching the reiving from him of three kye with calf and three oxen, worth £20 each. The complainer appearing personally, and the Laird of Weyme by his brother Duncane Meinzeis, who has not presented the said Johne, the Lords ordain the said Alexander to restore the said goods or else pay £20 for each of them.

Decree against the Laird of Weem at the instance of William and Allaster Reid for reif by his man.

Complaint by Williame and Allaster Reidis in Over Obney, that, upon 4th November 1590, Johne M^cGibboun, household man to Alexander Meinzeis of Weyme, came to their late father's house in Bedarnoch and

Page 995.

there stole from him six oxen, worth £20 each.—The pursuers appearing personally, and the Laird of Weyme by his brother Duncane Meinzeis, the Lords ordain the Laird to pay to the pursuers £80 as the price of the said oxen, because, the said Duncane having referred the number and prices of the goods to the pursuers' oaths of verity, they have declared that there were six oxen, worth 20 merks each.

William Mac-Gillimoyle against Robertson of Struan for reif committed by his men.

Complaint by Williame M^cGillimoyle in Glenbarrachen and Patrik M^cConnell M^cEwne in Auchlet in Muling, that, five years ago, Duncan M^cEwne Bayne in Camvoran, with his accomplices, tenants of the Laird of Strowane, reft from them five mares, worth £20 each.—The pursuers appearing by Finlay Fergusoun in Balledmonth, and the Laird of Strowane being himself present, and the said procurator having offered that, if Strowane would hold the said Duncane off his lands, the complainers would never crave Strowane for the goods libelled, Strowane accepts this condition.

Complaint by Donnald Menteith of Carquhin, as follows:—In 1590,

Donald Monteith against Robertson of Struan for reif committed by his men.

Johne Oig M°Eancheir and his brothers, tenants of the Laird of Strowane, reft from his servants in Carquhin a grey mare and a horse, both worth £40. The said persons, having been challenged in Finlarg by the Laird of Glenurquhy, had "confessit the hors" and promised payment therefor; which, however, the complainer has not yet received. Farther, Johne Barrach's sons came in 1601 to the complainer's lands of Carquhin and stole from him three "newcald ky," worth £40, together with a grey mare and "ane amblair naig," worth 80 merks. They had also come to the said lands and spuilyied from Archibald M°Nab and Duncane the whole plenishing of their houses, worth 100 merks.—The pursuer and the Laird of Strowane appearing, and the pursuer having offered to the defender not to crave him for the said goods if he would hold the persons foresaid off his lands, Strowane accepts the condition. Acta 1601-2. Page 996.

Sir James Crichton of Ruthvens against Robertson of Struan for reif by one of his men.

Complaint by Sir James Crychtoun of Ruthvenis, and Alexander Crychtoun, his tenant, as follows:—Four years ago, certain thieves and broken men came to the complainer's lands and reft from his said tenant four kye with calf. These goods, or at least part of them, complainer had apprehended in the possession of Johne Meinzeis, brother of , and tenant of Alexander Meinzeis of Weyme; and, as the said Johne would neither restore them nor declare from whom he had bought them, "it is very evident that the said Johne is the steillar." As, however, he is a "brokin hieland man," complainer can have no redress, unless his master, the Laird of Weyme, present him.—The Laird of Ruthvenis appearing personally, and the Laird of Weyme by his brother Duncane Meinzeis, the Lords ordain the Laird of Weyme to retain so much of the said Johne's goods upon his lands as will satisfy this complaint, and to make the same forthcoming to the complainer for his payment.

Robert Blackwood against the Abbot of Inchaffray, to answer for one of his tenants sued for reif.

Complaint by Robert Blaikwode, burgess of Perth, that, upon 30th August 1598, Duncane M°Gregour in Achalow, who is tenant of James, Commendator of Incheffray, and Neill M°Gregour in Newfound Ile, the said Duncane's brother, who is the Laird of Murthlie's man, came to the town end of the burgh of Perth, and reft from the pursuer's lands a black mare with foal, worth 100 merks.—The pursuer and the Abbot appearing, the order is to direct letters at the pursuer's instance for arresting the said Duncane's corns growing upon the lands which he holds of the said Abbot, and to request the said Abbot to retain the corns for payment to the pursuer of the price of his said mare. Page 997.

Perth, 9th August. Proclamation for satisfaction of the decreets lately pronounced by the Council in favour of certain poor persons spuilyied of their goods.

"Forsameikle as the Lordis of his Majesteis Secrete Counsall hes laitlie pronuncit certane decreittis in favouris of his Hienes pure distressit subjectis, and hes ordanit the same decreittis to be satisfeit betuix and the nynt day of September nix to come,—and the Kingis Majestie and the saidis Lordis haveing a speciall cair and regaird to sie thir pure creaturis redressit and thair decreittis and ordinanceis to resave dew and full executioun in thair favouris: Thairfoir the saidis Lordis declairis, statutis and ordanis be thir presentis that, gif ony of the decreittis

a 1601-2. quhilkis ar now pronuncit be the saidis Lordis beis not satisfeit and payit betuix and the said nynt day of September nix to come, swa that new complaintis sal happin to be maid thairupoun to his Majestie and the saidis Lordis, that then and in that cais the personis aganis quhome the saidis decreittis ar pronunceit salbe compellit to mak payment to the complenaris of the dowble of the same decreittis, and with that thay salbe puneist as contempnaris and misregairderis of the decreittis and ordinanceis of the saidis Lordis, to the terrour of utheris: and ordanis ane officer of armes to pas to the mercat croce of the burgh of Perth, and thair be oppin proclamatioun mak publicatioun of the premissis, quhairthrow nane pretend ignorance of the same."

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Thesaurarius; Secretarius; Haliruidhous; Sir Thomas Erskene; Elimosinarius. Falkland, 12th August.

Charge against certain ministers for refusing to celebrate the day of thanksgiving in memory of the King's escape from the Gowrie Conspiracy.

Recitation of the Act of Parliament appointing the 5th August to be a day of thanksgiving for ever for the deliverance of his Majesty from the "horrible and detestable" Gowrie conspiracy (Acts of Parl. 1600, iv. p. 213).—"Quhilk Act, albeit all honnest-hairted subjectis, alsweill of the ministrie as utheris, hes glaidlie and cheirfullie imbracit, and thairby hes utterit the grit contentment and joy quhilk thay apprehend be his e 998. Majesteis said delyverie, yit it is of treuth that the personis of the ministrie underwrittin,—thay ar to say, etc. [their names are not recorded] hes not only publictlie in thair presbytereis and ordinarie meiting ressonit aganis the said thankisgeving and preiching upoun the fyft day of August this present yeir, bot with that thay altogidder refuisit to convene with thair flockis in thair awne kirkis the said day, and thair to preich and thank God conform [to] the said Act of Parliament,—gevand thairby ane oppin testimonie, alsweill to thair awne congregationis as to utheris, of the hid and secrete malice quhilk, aganis his Majesteis deservingis, thay beir to his Hienes, and of the grit miscontentment and greif quhilk thay have apprehendit and consavit be ressoun that his Majestie eschaped the tressoun foirsaid. And, besydis, thay have tane upoun thame the undoing and abrogatioun, sa fer as in thame lay, of ane law maid and establischit with full consent of the haill body of this realme, and, without reverence of his Majestie or feir of the law, hes manifestlie violat the same, to the evill example of utheris undewtifull and unhonnest-hairted personis to do the lyk, without remeid be provydit. Thairfoir ordanis letters to be direct chairgeing the personis foirsaidis to compeir personallie befoir his Majestie and Counsall at Falkland upoun the aucht day of September nix to come, to ansuer to the premissis and to underly sic ordour as salbe tane thairanent, under the paine of rebellioun."[1]

[1] Calderwood's notice of this Act of Council (vi. 159-160) shows that nothing of importance happened in consequence:—"The fyft day of August, being by Act of Parliament ordeanned to be solemnlie keeped without anie constitutioun of the Kirk made

John and Gilbert Wylie against Gilbert Wade for violence and assault: Diet of probation assigned.

Complaint by Johne Wylie, in Barthrachane, and Gilbert Wylie, his brother, as follows:—Upon 2nd July last, Gilbert Wade in Chyldarrach, Williame Hathorne and George Hathorne, in Cascreuch in Glenluce, with others, all armed with swords, gauntlets and other weapons, came about an hour after midnight to the said Johne's dwelling-house in Barthrachane, where he, his wife and family, were in their beds, broke up the doors, and "hurt and woundit the said Johne Wylie in dyvers pairtis of his body, to the nowmer of tuentie-sax straikis, and had not faillit at that same tyme to have bereft him of his lyfe, wer not his wyfe, quha wes lyand with him, lay upoun him and sua saifit him." Moreover, "in the persute of the said Johne Wylie, the saidis personis maist schamefullie and barbarouslie reft ane of his sones legis fra him, quha is not as yit tua yeiris auld"; and, when the cry had been raised, and the said Gilbert Wylie, his brother, "heiring the same, [had] come to his said brotheris hous to have releifit him," they assaulted him also, and wounded him in both arms, mutilating him in his right arm so that he is unable to use it.—The pursuers appearing by Robert Wylie, their father, and Waid appearing personally, but neither of the Hathornes, the Lords ordain the Hathornes to be denounced rebels, and assign to the pursuers 9th September next for proof against Waid. Acta 160 Page 999

To denounce David Lindsay, natural son of the Earl of Crawford, and others, for not appearing to answer for their assault in July last upon Mr. David Ogilvy, son of Lord Airlie, and the slaughter of his servant.

Complaint at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun, King's advocate, for his Majesty's interest, as follows:—Upon Sunday, 18th July last, Mr. David Ogilvy, son of James, Lord Ogilvy of Airlie, and the late Williame Innes, his servant, being in the Abbey Kirk of Haliruidhous at the preaching,—"lipning" for no harm "in respect of the tyme and place, being within the precinct of his Majesteis palice,"—David Lindsay, natural son of David, Earl of Craufurd, Gilbert Rynd, son of the Laird of Kers, Lindsay, called of Blairifeddane, household man to Sir Johne Lindsay of Wodheid, and Ramsay, son of the Goodman of Arbeky and household man to Sir Hary Lindsay of Carreistoun, came to the said Abbey Kirk upon resolute purpose "to await ane unhonnest advantage of the said Mr. David"; and, "efter the ending of the sermone, thay lay at await for him about the dykis of the abbay yairdis, and, finding him with his said umquhile servand gangand in peceable and quyet maner fra the Kirk to thair awne ludgeing at the fute of the Cannogait, thay sett upoun thame behind thair bakis, and, or ever thay war wer of thame, thay maist schamefullie, cruellie and unhonnestlie invadit and persewit thame of

thereanent, was neglected by sindrie ministers of Fife. They were summouned publictlie at mercat croces to compeere before the King and his Counsell. The narrative of the proclamatioun was foule and fearfull. Mr. James Melvill resolved to declyne after the old manner if they were brought before the Counsell [*i.e.*, to deny the authority of the Council in an ecclesiastical matter]; which the King vowed sould be capitall. Mr. James found himself weill resolved; wherof the place where he meditated and prayed held him daylie in remembrance. The King, understanding by Mr. Patrik Galloway what was his resolutioun, called him and the rest, calmelie and freindlie, before the Commissioners [of the Church], none of the Counsell being present. After a word or two spokin for the fashioun, they were dismissed."

1601-2. thair lyveis within a pennystane cast to his Majesteis palice of Haliruidhous, strak thame baith to the eird, and, efter mony deidlie woundis gevin to thame, lyand upoun the eirth, thay left thame lyand for deid: off the quhilkis woundis the said umquhile Williame Innes immediatlie depairtit this lyfe, and the said Mr. David is in grit hasard and perrell of his lyfe without ony houpe of recoverie," having been wounded in the head, legs, and other parts of his body.—The Treasurer appearing, but none of the defenders, the order is to denounce them rebels.

1000. Recapitulation of the story of last entry, with the addition that the said Mr. David Ogilvy had looked for no trouble from any of the name of Lindsay, or their friends or partakers, "not onlie in respect of the panis and travellis tane be his Majestie for removeing and setling of that feid and quarrell standing betuix the Lindsayis and the Ogilvyis, quhairin his Majestie hes pronuncit his Hienes amicable decreit, bot with that in respect thair wes bandis and suirteis gevin for the indempnitie of innocent personis on ather syde, quha wer not upoun the feildis and present at the conflict quhilk hapnit and fell oute betuix Alexander, Lord of Spynie, on the ane pairt, and James, Maister of Ogilvy, on the uther pairt."—Charge had been given to David, Earl of Craufurd, as father of the said David Lindsay, and as master of the other defenders, and also to the Lord of Spynie, as the nobleman in whose quarrel the crime had been committed, and to Sir Hary Lindsay, as master of Ramsay, and to Sir Johne Lindsay, as master of Lindsay, to appear personally, and present the foresaid persons to answer for the said slaughter and bloodshed. And now, the Treasurer and Advocate appearing, and the said masters of the malefactors being also present, and the Earl of Craufurd having confessed that the said malefactors were his men at the time of the said misdeed, but having declared by his great oath that it was done without his knowledge or direction, and farther that he has never seen the said persons since, knows not where they are, and will not "mell in that feid" between his said brother and the Master of Ogilvy,—the Lords think meet, "for the weill and quyetnes of the cuntrey and eschewing of forder trouble," that the Lord of Spynie, Sir Hary Lindsay, and Sir Johne Lindsay, be committed to ward in the Castle of Doun in Menteith, and remain there till his Majesty take farther trial whether the said crimes were committed by their causing. They are therefore charged by the macer of Council to enter in the said ward within 48 hours hereof. It is also ordained that the Earl of Craufurd shall remain besouth the water of Tay till relieved.

The Treasurer against the Earl of Crawford and others anent the slaughter and bloodshed foresaid.

1001.

The 9th September next is assigned to Johne Fraser in Lochanis, tenant of Johne, Earl of Mar, for proving the quantity and prices of the goods reft from him in October 1594 by M°Condochy of Innerraw, who is proven to be Archibald, Earl of Ergyle's man, with charge to the Earl of Ergyle to appear at the trial the day foresaid.

John Fraser against the Earl of Argyle

The King's Majesty, being "accustumat in this presentt seasoun of the yeir

Stirling, 20th August.

Proclamation of a meeting of a certain number of the Privy Council, to be held in Glasgow, for redress of skaiths done by malefactors to the subjects in the west parts.

to repair to the west cuntrey and to remaine heir a certane space for his Majesteis pastyme and recreatioun," and "willing that during the tyme of his heir-being his Majesteis subjectis quha ar distressit and grevit be thift, reif, oppin and manifest oppressioun, and utheris insolenceis committit upoun thame be maisterfull oppressouris, revaris and sornaris, sall ressave some confort of his Majesteis presence," has therefore "appointit certane of his Previe Counsall to meit at Glasgow upoun the penult of this instant, and thair to ressave and heir the complaintis of his Majesteis distressit subjectis, and to do justice unto thame as accordis of law and ressoun." Intimation hereof is to be made by open proclamation at the market crosses of Glasgow and Dumbartane, with warning to persons skaithed to give in their complaints upon the day foresaid to the clerks who shall be in attendance to receive them, when they shall have justice administered to them as accords. Acta 16 Page 10

Glasgow, 27th August.

Sederunt—Cancellarius; Ros; Thesaurarius; Collector; Advocatus.[1]

"The allowance prescryvit be the Commissioneris to the Iconomus for halding of the commoun table within the College at Glasgow the xxvii day of August 1602.

Act anent the College of Glasgow, with regulations for the rations of the masters and bursars, and for the future management of the revenues of the College.

The first meis, consisting of the FYVE MAISTERIS, sall have to thair disjoyne ane quhyte breid of ane pund wecht in a sowpe, with the remanis of a peice beif or muttoun resting of the former day, with thair pynt of aill amangis thame. To thair denner thay sal have ordinarlie quhyt breid aneuch, with fyve choppins of sufficient guid and better nor the commoun sell aill in the toun, with ane dische of bruise and ane uther of skink or kaill, a peice of sodden muttoun, another of beif, salt or fresche, according to the seasoun, ane roist of veill or muttoun with a foull or cunyng, or a pair of dowis or chikkins, or uther siclyk secund rost, as the seasoun gevis. And siclyk to thair supper.—The BURSARIS on the flesche dayis to have for thair disjoyne, thrie and thrie, ane ait laif in a sowpe, quhairof thair salbe aucht scoir in the boll. At denner tua ait laiffis amang four, ane dische of kaill or bruise, ane peice of beif, ane quart of aill. And siclyk to thair supper.—On fische dayis the MAISTERIS to have for thair disjoyne ane dische of eggis, with breid and drink sufficient. At denner a dische of kaill, a dische of egis with thrie disch of weill grathit fisch or uther equivalent, with breid and drink as of befoir. And to thair supper siclyk.—To the BURSOURIS in sic dayis breid and drink to thair disjone, and to thair denner breid and drink as in flesche dayis, with ane dische of kaill, ane of eggis, another of fische. And at supper siclyk.—And this to stand to the saidis personis for a constant and ordinar allowance till forder ordour be tane. Sic subscribitur: Montrois, cancellarius; Secretarius; Jon. Prestoun; Ros; M. T. Hammiltoun; M. G. Young.

Advyse of the Lordis of his Majesteis Previe Counsall and utheris

[1] "Blantyr" appears in this sederunt as recorded in the Book of Sederunts (Fol. 37, a).

1601-2. undersubscryvand, appointed be his Hienes speciall commissioun for quyeting of the present debaittis and altercationis betuix the Magistrattis of Glasgow and Maisteris of the College thair, presented be thame to his Majestie as maist convenient meanis in thair opinioun to work the said effect quhill forder ordour be tane: at Glasgow the xxvii day of August 1602.

First, that thair be still ane principall and four regentis within the college, quhais electioun and depositioun salbe heirefter be the chancellar of Scotland, the bischope of Glasgow, the rector, deane of facultie, the principall and four regentis of the College, with the ministeris of Glasgow, Calder, Hammiltoun, Monkland, and Renfrew, or ony ellevin of thame, chaptourlie convenit to that effect.

That the electioun of the regentis in tyme comeing salbe be ane edict
1003. upoun fyftene dayis wairning, and the competitour that previs worthiest be tryall to be preferrit to the vacand place.

The principall to have his intertenyment at the commoun table, with thrie hundreth merkis of fie as principall, and as minister of Gevane thrie chalderis victuall with manse and glebe.

Off the four regentis appointed to be lykwayis intertenyit at the commoun table, the first to have in fie four scoir pundis, and every ane of the uther thrie ane hundreth merkis, with four merkis of every toun bairne, and aucht merkis of utheris duelland to landwart.

That thair be ane iconymus presentlie chosen, quha salbe burdynit with the intromissioun and debursment of all the college rentis, and find sufficient cautioun actit in the Buikis of Secreit Counsall for his dew administratioun thairof, and quha, besydis his intertenyment for his meit according to the maisteris awne allowance, sall have besydis in yeirlie fie ane hundreth pundis, with this conditioun, that quhat failyeis of the rentale to be imbrocht be him, without a lauchfull defesance allowit be the auditouris, salbe deducit of the foirend of his said fie, and this to be his haill allowance baith for his travell and expenssis for imbringing of the saidis rentis. His place, quhen it sal happen to vaik, salbe provydit for anew be the auditouris of the yeirlie comptis, quha lykwayis sall have powar yeirlie to alter the iconymus chosin as they sall sie occasioun.

The cuike to have his intertenyment of the commoun rentis, with tuentie merkis of fie.

The portar and the pantrie man to be baith bursaris.

The principall to have a servand, quha sal have a bursaris allowance, with tuentie merkis of fie.

To be allowit to every ane of the fyve maisteris and iconymus for thair ordinar intertenyment fourtene bollis meill, thrie bollis beir, and thrie bollis malt.

The bursaris to be aucht in nowmer, quhairof ane to be pantrieman and another portar, and of this nowmer four to be at his Hienes presentatioun and four at the townis. Every bursar to have for intertenyment ten bollis meill. All thair admissionis to be heirefter be the rector, principall, and deane of facultie conjunctlie.

The haill gersumes and enteres silver that salbe gottin heirefter, Acta 16(
togidder with the superplus of the yeirlie rentis resting unexhausted be the ordinar burdingis, to be imployit at the sicht of the ordinar auditouris, upoun land or annualrent, to the behuif of the College, and nawayis distributed to particular usis.

The annuellis arysing of thir gersomes and excres, being found sufficient to sustene ma bursaris, salbe imployit that way, their presentatioun being equallie, as said is, betuix his Majestie and the toun.

Thir foirsaidis fundit personis to be astricted herefter to eit within the College at a commoun table, utherwayis to have na allowance.

The College to be visited tuyse in the yeir, upoun the fyftene day of October and fyftene day of Aprile.

The iconymus compt to be hard every yeir anis, upoun the aucht day of August, be the rector, deane of facultie, ane of the ministrie of Glasgow to be nominat be the counsall of the toun, thrie bailyeis, with the ministeris of Hammiltoun, Monkland, Calder and Renfrew, and the principall and regentis of the College, or ony nyne of thame conjunctlie, the haill nowmer being lauchfullie warnit be the iconymus to be present the said day to that effect.

The saidis auditouris to convene yeirlie at Lambes for setting doun of pryces of the victuall to the iconymus that fallis to be sauld.

The halding of the hous be the iconymus to begyn the first day of October nixt, be quhome the principall and maisteris feis salbe payit quarterlie thairefter. Sic subscribitur: Montrois, cancellarius; Secretarius; Jo. Prestoun; Ros; M. T. Hamiltoun; M. G. Young.

Glasgow, 29th August.

Red, hard and allowit be his Majestie, and ordanit to be observit in tyme comeing quhill forder ordour be tane, and that autentik copyis be delyverit heirof to the provest and bailleis of the citie of Glasgow, and to Page 1(the principall and regentis of the college, that thay pretend na ignorance. Sic subscribitur: James R."

Foresaid Act approved by his Majesty.

Protest in favour of the Earl of Cassillis and Sir John Vaus.

Gilbert Ros, as procurator for Johne, Earl of Cassillis, and Sir Johne Vaus of Longcastell, gives in a copy of the letters raised by Jeane Stewart, Lady Bargany, Kennedy, son and heir of the late Gilbert Kennedy of Bargany, and the others concerned in the feud between the houses of Cassillis and Bargany, charging Cassillis and Vaus to appear and produce the two commissions obtained by them from his Majesty for pursuit and apprehension of Thomas Kennedy of Drummurchie and certain others, denounced rebels for the slaughter of the Tutor of Cassillis, with a view to the suspension of the same. Lady Bargany and the other persons foresaid not appearing, the procurator protests that the said commissions shall be put to farther execution in all points; and the Lords admit the protest.

Glasgow, 30th August.

Sederunt—Cancellarius; Secretarius; Ros; Blantyre; Collector; Advocatus; Tracquair.

ta 1601-2.

Allison Cousteau against Lindsay of Dunrod for art and part in deforcing a messenger: Decree of absolvitor.

Action by Aliesoun Cousteane, relict of Johne Warnok in Kittoksyde, Robert, David and Johne Warnokis, her sons, as follows:—Upon 21st May last, having obtained a decree of spuilyie before the Lords of Council and Session against Thomas Cuik in Philpishill, Malie Blak, his mother, Margaret Cuik, relict of Williame Warnok in Kittoksyde, and Thomas Robesoun in Greneleyis, now her spouse,—all tenants of the Laird of Dunrod and Sir Johne Hamiltoun of Lettrik, sheriff of Lanark,—they had raised letters of poinding against the said persons, and therewith had caused David Wilsoun, messenger, to poind and apprise on the said lands five kye and two horses. But, while the said messenger was bringing the

ge 1005.

said goods to the market cross of Ruglen to be comprised, Alexander Lindsay of Dunrod had deforced him, and taken the said goods from him; in token of which the officer had broken his wand. Afterwards, Lindsay had gone to the said officer in Glasgow and "buddit" him to pass from the said deforcement; and the messenger had obeyed, detaining the letters of poinding in his hands, and refusing to deliver them to the complainers.—Lindsay and the complainer appearing, the Lords assoilzie Lindsay, because he has declared by his great oath that the said goods were his own.

Band by William Stirling, appointed œconomus of the College of Glasgow, for the performance of his duties in all points.

Registration of the following obligation:—"Be it kend till all men be thir present letters, me, Williame Stirling, citinar of Glasgow, and chosin iconymus of the College thair be the principall and maisteris thairof, with avyse, counsall and allowance of the Lordis Commissioneris appointed be his Majestie for visitatioun thairof, to have acceptit, lyk as be the tennour heirof I accept, upoun me the said office of iconomie, to be dischairgit be me, and na substitute, in maner underwrittin, and thairfoir to be bundin and obleist as principall, and Thomas Glen and Johne Wardrope, citineris of the said citie, cautioneris, souerteis and full dettouris for me, our airis, executouris and assignayis, conjunctlie and severallie, to the principallis and regentis of the said College, that I, the said Williame, sall collect, gadder, and inbring the haill College rentis, and speciallie the victuall thairof contenit in the rentall, extending to tuentie-aucht chalder ellevin bollis, or at the leist sic pryceis thairfoir as salbe liquidat be the Lordis of the Sessioun, and na utherwayis, of the space and termes contenit in the commissioun of iconomie grantit to me be the saidis Principall and Maisteris of the dait of thir presentis, and of the reddiest thairof to hald a commoun table to the Principall, four Regentis and aucht Bursaris, with the cuik and the Principallis servand, according to the allowance grantit to thame be the Lordis Commissionaris,—quhairof the copie subscryvit be the Clerk of Counsall is delyverit to me at the making heirof,—and to begyn the halding of the hous and furnesing of the said table upoun the first day of October nix to come

ıge 1006.

preceislie, and be myself and na substitute to keip and continew the keiping and furnesing thairof, according to the foirsaid ordour and allowance in every point, unto the first day of August nixt thairefter, and thairwith to furneis coillis for thair commoun fyre, veschell and naiprie requisite to the keiping of the hous, with all uther necessaris belanging thairto,

according to thair use and wont, and as salbe thocht neidfull at the sicht of ane dew nowmer of the auditouris. And, siclyk, that I sall, God willing, ansuer and delyver to the said principall, regentis, and utheris foundit personis, the feis and stipendis allowit to thame be the ordour of the saidis Commissionaris, and that be quarter payment yeirlie efter my entrie to the office, at the leist within aucht dayis preceislie efter the expyring of every quarter; that, of the tuentie bollis victuell, allowit and acceptit be me for the ordynar intertenyment of every maister at the commoun table, I sall ansuer every ane of thame of thrie bollis victuell, tua pairt meill, thrid pairt beir, or ellis the pryceis that salbe liquidat be the auditouris, within aucht dayis at the farrest efter the Feist of Lambes yeirlie, in consideratioun of the tua monethis vacance during the quhilkis I am not subject to hald the foirsaid hous; that I sall repair the edifice of the College in all necessaris at the sicht and requisitioun of the Principall and Regentis foirsaidis; that I sall furneis the Elementis of the Communioun to the kirk of Govane at necessar tymes, as alsua uphald the queir thairof and furneis the expenssis of the Principall quhenas he, as minister of Govane, sall happin to be directit be the presbiterie or synodole to ony Generall Assemblie;—and generallie to do and performe quhatsomever dewtie and guid office belanging to ane iconomus to do, to the weill and behove of the said College, and every member thairof in every point; and alwayis to be reddy to gif a compt of my administratioun to the auditouris; and, efter my expyring of my first yeir, to retene or dimitt the same in thair handis as thay sall find my service to deserve; and that I sall tuyse every oulk at the leist mak compt to the Principall and Maisteris of the daylie and oulklie expenssis of the said College."—The penalty for default is to be £100 *toties quoties*. The band is subscribed by the parties at Glasgow 30th August, before Johne Andro, Mr. William Broun, Mr. Robert Young, writers in Edinburgh, and James Prymrois, writer hereof. Acta 1601-2.

Anent bursars in the College of Glasgow, and the Principal's accounts.

"The Principall declairis that thair is presentlie intertenyit within the College as bursaris tua onlie at his Hienes presentatioun, callit Thomas Smetoun and Johne Lowry; off the townis presentatioun, Robert Young, and Johne Wilsoun and Joseph Lowry, quhairof the first tua ar to enter in October nixt: sua vakis tua placeis to be presentit be his Majestie and ane onlie be the toun. The Lordis Commissionaris, appointit for visitatioun of the College of Glasgow, assignis the xxiiii day of November nix to come to the principall of the said College for making of the last yeiris comptis of the rentis of the said College in Edinburgh [? Glasgow]."

Caution for Sir Robert Gordon of Glen.

Caution by Sir Robert Gordoun of Glen (Lochinvar, younger), as principal, and Mr. Gilbert Gordoun of Scheirmes and Alexander Gordoun of Barskeoch, as sureties for him, in £10,000, that the said principal shall keep the peace, redress parties skaithed, and answer to complaints when charged. Page 1007.

Edinburgh, 6th September.

Jeroime Luife in Leith having been lately, by his Majesty's direction,

Acta 1601-2. apprehended by George, Earl of Caithnes, as "being suspect giltie of dyvers haynous crymes and offenssis," there is order to the said Earl to appear personally upon 30th September instant, and bring with him the said Luife, and also Nicoll Ramsay, his servant, that order may be taken with Luife, and that Ramsay may answer touching the escape of Luife from the said Earl's custody. Charge to the Earl of Caithness to enter Jerome Love in Leith, as suspected guilty of heinous crimes.

Sederunt—Cancellarius; Thesaurarius; Ros; Collector; Dunkeld; Computorum Rotulator; Sir Patrik Murray. Perth, 9th September.

Complaint by James Sandiesoun in Abergairne in Mar, as follows:— Seven years ago, , son of Lanchlane M^cIntosche in Badyenoch, Gow Bane, servant to the Laird of Grant, and M^cWilliame Gauld, servant to Patrik Grant of Rothiemurkus, with others, "all brokin hieland men," came at night to pursuer's lands in the Hill of Morving, and reft five mares with their foals, each mare with foal worth 40 merks. Again, in Page 1008. September four years ago, Thomas Neilsoun in , in Mar, and Duncane Neilsoun, his son, tenants of Johne, Earl of Mar, came to pursuer's lands of Abergairne and stole thirty two kye and oxen, worth £20 each.—Charge had been given to the Earl of Mar to enter his men this day to answer; and now, the pursuer appearing, and also the said Thomas and Duncane, who submit themselves to Johne, Lord Forbes, the complainer's master, and to any four of his friends to be nominated by him, "anent satisfactioun and dew redres to be maid," the pursuer consents that they shall be freed furth of their present ward in the tolbooth of Perth, wherein they have been imprisoned for that cause. James Sandiesoun against Thomas and Duncan Neilson for reif.

Donnald M^cAngus of Glengarrie, having lately presented a pledge for the good conduct of his men, has, "upoun some motive, by [beyond] his Majesteis previtie or knawlege," departed home, "and convoyit the said plege away with him, leaving his Majestie thairby in als grit a uncertantie of his Page 1009. peceable and dewtifull behaviour as his Hienes wes of befoir."—The said Donnald not appearing now, and the said pledge not being entered, the order is to denounce the said Donnald rebel. To denounce MacDonald of Glengarry for not answering to a charge of removing a pledge entered by him.

Complaint by Johne Stewart in Fois, that, in October 1601, Duncane M^cGregour, son of Duncane Abrich M^cGregour, being Sir Duncane Campbell of Glenurquhy's man, and Johne M^cGregour, son of Dowgall M^cCondochy Eir in Glenloquhy, being a tenant of James Campbell, fiar of Laweris, came to the Month, between Fois and Stratay, and reft from complainer four horses and mares, worth 40 merks each.—The pursuer appearing personally, and the defenders by Robert Campbell, Sir Duncane's son, but the said depredators not having been entered, the decree is that the Lairds of Glenurquhy and Laweris shall restore the said animals or pay the prices foresaid, within 15 days after the charge, under the pain of rebellion. John Stewart against the Campbells of Glenorchy and Lawers for reif by their men.

This day had been assigned to Alexander Colquhoun of Lus for the entry of Johne Buchannan *alias* M^cWattie, his man, to answer to a com- To denounce Colquhoun of Luss for non-

entry of one of his men charged with reif.

plaint by Mathow Hammiltoun in Auchintuschen, touching the withholding of two mares, worth £40 each, which the said Mathow had delivered to the said Johne "in gersing" two years ago. Colquhoun, for neither appearing nor having entered Buchannan, as charged, is to be denounced rebel. Acta 1601–2.

To denounce Buchanan of that Ilk for non-entry of his man guilty of reif.

Buchannan of that Ilk, failing to appear this day or to have entered Donnald M°Adame, his man, to answer a complaint by Patrik Johnestoun of Auchinlek concerning the theft, four years ago, of two mares, worth 40 merks each, and a foal, worth 20 merks, furth of the Mure of Cochno, is to be denounced rebel. Page 1010.

William Comrie against Campbell of Glenorchy.

This day had been assigned to Sir Duncane Campbell of Glenurquhy for the entry of Malcome M°Keich, Alexander M°Keich, his son, Finlay M°Carres and Johne M°Carres, his men, to answer a complaint by Williame Comrie touching their reif, sixteen years ago, from the pursuer's late father, of 16 great mares with their followers, and touching their breaking up a chest belonging to his said father and stealing therefrom 3000 merks of silver and certain letters and obligations.—Pursuer appearing personally, and defender by his son, Robert Campbell, who enters the accused conform to the charge given, the Lords assoilzie the accused, because they have declared by their great oath that the said charge is not true.

Protest in favour of George Ramsay of Banff.

George Ramsay of Banff, appearing to a complaint of Robert M°Comes in Innerroskie, that he had withheld from the said Robert a milk cow, worth £20, which had wandered away and which had been challenged in his possession, protests that, as the said Robert does not now appear, he shall not be held to answer farther till again warned. The Lords admit the protest. Page 1011.

Perth, 10th September.

Sederunt—Ut in die predicto.

Sir William Bandane against Robertson of Struan, Menzies of Comrie, and others, for reif committed by their men.

Complaint by Sir Williame Bandane of that Ilk, as follows:—Duncane Allaster and Johne Dow in Fernane, being Robert Robertsoun of Strowane's men, Allaster M°Allaster and Donnald Guynoch, the Baron of Comrie's men, M°Comes Manteith in Auchnavaid, Finlay M°Comes there, men of James, Commendator of Incheffray, Malcolme M°Conneill Veig, Patrik and Johne Banes, his sons, men of James Campbell, fiar of Laweris, Duncane Campbell, son of M°Condochy of Inuerraw, Patrik, his brother, Donnald, brother of George M°Intallich in Ardewnich, Duncane M°Patrik M°Conneill there, Duncane Dow M°Gregour Eir, servitor to Johne Dow, the Laird's brother, Patrik Aras M°Gregour, servitor to Johne Dow M°Ewne, Dowgall M°Condochie, servitor to George M°Ewne, Donnald Guynoch, under the Baron of Comrie and his son, Johne M°Carres, son of M°Carres, under the Laird of Laweris, M°Conneill's two sons, under the Laird of Glenurquhy, with others, all broken men and sorners of Clans, came, "bodin in feir of weir in maist awfull maner," upon 10th September 1590, to the complainer's lands of Arlewycht, broke his fold dykes, and spuilyied from him and his tenants five score and twelve nolt

Acta 1601–2. and nine score sheep.—Charge had been given to Archibald, Earl of Ergyle, James Campbell, fiar of Laweris, Robert Robertsoun of Strowane, and Robert Meinzeis of Comrie, to present each his own said men this day. Campbell of Laweris appears by Robert Campbell, son of the Laird of Glenurquhy, who enters the said Patrik Bane, but denies that Malcome M^{c}Conneill Veig and Johne Bane are the men of Campbell of Laweris. The Baron of Comrie, appearing himself, denies that the said Donnald Guynoch is his man. Robertsoun of Strowane fails to appear, and
Page 1012. has not entered his foresaid men. The order is to denounce Strowan rebel, and that the 24th November next be assigned to the pursuer for proving his charge against Patrik Bane and for proving that Malcome M^{c}Conneill Veig and Johne Bane are the men of the Laird of Laweris, and that Donald Guynoch is the Baron of Comrie's man. The complainer passes from the prosecution of the Earl of Ergyle and the Abbot of Incheffray.

Campbell of Glenlyon, younger, to be denounced for not producing his father to answer to a charge of reif at the instance of MacKenzie of Kintaill.

Complaint by Kenneth M^{c}Keinzie of Kintaill: (1) That, about St. Androis day 1601, when he had sent four score head of nolt to the market of Sanct Androis for sale, Campbell of Glenlyoun, with a great number of his men, all thieves and broken highland men, set upon pursuer's servants and spuilyied from them the said goods; (2) that, at Michaelmas last, four score head of nolt, which he had sent to the market of Glamis for sale, had likewise been reft from him by the said Campbell.—Charge had been given to Duncane Campbell of Glenlyoun, younger, "as havear of the said Laird of Glenlyoun, eldar, his father, in his custodie and keiping," to enter his said father to answer; and now, the said Campbell, younger, neither appearing nor having produced his said father, is to be denounced rebel.

Robert Henderson against Campbell of Glenlyon and others for spuilyie.

Page 1013. Complaint by Robert Hendersoun in the Byris of Murthlie, that, in August 1592, Colene Campbell of Glenlyoun, Archibald Campbell, his brother, and Donnald M^{c}Man, his servant, came to complainer's house in the Glak of Tullybaglis and reft four score fifteen sheep, young and old, then worth 30s. each, and a mare, worth 20 merks.—The case having been called upon 7th August last, complainer had appeared personally, and the defenders by James Campbell, fiar of Laweris, their procurator, who alleged that Sir Johne Ogilvy of Craig, master to the said complainer, had received full "redres of this bill" in name of the complainer and had given his acquittance thereupon. The 9th instant had then been assigned to the defenders for producing the said acquittance; but, none of them appearing this day, and the acquittance not having been produced, the Lords decern the said defenders to restore the goods or pay the prices.

To denounce Campbell, younger of Glenlyon, at the instance of William Easton, for not producing his father to answer to a charge of reif.

Complaint by Williame Estoun in Tullibeltane, that, eight years ago, Campbell of Glenlyoun and Archibald Campbell, his brother, with others, came to his "cath fauld" in Tullybaglis, and reft from him seventeen head of oxen and kye, worth £20 each, a horse, worth 40 merks, twenty-two head of sheep, worth 40s. each, and the whole plenishing of his house, worth £40.—The pursuer appearing, Campbell, younger of Glenlyoun, for neither appearing nor having produced his father as charged, is to be denounced rebel.

To denounce Patrick Murray for not entering his man accused of reif.

Complaint by Patrik Scot in Glenalvart that, in September four years ago, certain thieves reft from him a horse worth £40, which he had afterwards found in the possession of James Reidheuch in Tullochmerachen, Patrik Murray of Lochintie's man, who would neither restore it nor account for his possession of it.—Pursuer appearing, Murray, for neither appearing nor having entered Reidheuch, is to be denounced rebel. Acta 1601-2. Page 1014.

To denounce Campbell, younger of Glenlyon, for not producing his father to answer to a charge of spuilyie.

Duncane Campbell of Glenlyon, younger, to be denounced rebel for not producing his father to answer to a complaint by Beatrix Crychtoun in Tullibaglis that, eight years ago, Colene Campbell of Glenlyoun, elder, and Archibald Campbell, his brother, with others, came to the town of Tullybaglis and reft from her sixteen kye and oxen, worth £20 each, a horse, worth £20, fifteen sheep, worth £3 each, and the whole plenishing of her house, worth 100 merks.

Alexander Fleming against John Stewart, to answer for reif by his man.

Complaint by Alexander Flemyng of Mones that, certain of the "disorderit thevis and lymmaris" of Glenco having stolen from him seven kye, worth £20 each, the said goods were brought by them to the dwelling-house of Johne M°Fadrik Eir in Carie, tenant to Johne Stewart Neilsoun, where they were resetted and part of them eaten.—The pursuer appearing, and Stewart being also present, but not having presented M°Fadrik Eir, the Lords decern Stewart to pay the complainer £16 for each ox proven to have been slain and eaten in M°Fadrik's house. Page 1015.

Alexander Fleming against Murray of Tullibardine for not making redress for reif by his man.

Complaint by Alexander Fleming of Mones:—Callum Oig M°Olcheir, tenant of the Laird of Tullybairdin, dwelling in the head of Balquihidder, became surety to the pursuer for payment of £40 as the price of a mare stolen from him, which he "apprehendit at the Burne of Camps." The case having been called upon 7th August last, the said Laird, who was present, had been ordained to pay complainer 20 merks as the price of the mare, or else to enter Callum upon 9th instant.—The pursuer appearing, the said Laird, for neither appearing nor having entered Callum, is decerned to pay the pursuer the 20 merks within six days after being charged, under pain of rebellion.

Donald Baine against Campbell of Glenorchy for reif committed by his servant.

Complaint by Donnald Baine M°Coirle, the Laird of Garnetully's man, that Nicoll M°Eane Roy Veig, servant to the Laird of Glenurquhy, with others, came to the lands of and reft from the pursuer four kye, worth £20 each,—one of which, after "lang searche and inquisitioun," he had found in the fold belonging to the Laird of Glenurquhy in the custody of Johne M°Moyr , "bowman" to the said Laird.—The pursuer appearing personally, and Glenurquhy by Robert Campbell, his son, the Lords decern Glenurquhy to restore the said kye or pay 20 merks for each.

Campbell of Glenlyon, younger, denounced at the instance of Margaret Elder for not answering for reif committed by his father.

Complaint by Margaret Eldar, widow, that Colene Campbell of Glenlyoun, and Archibald Campbell, his brother, with others, spuilyied from her in 1595 four score sheep, five horses and mares, and six head of cattle, with the whole plenishing of her house.—Duncan Campbell, younger of Glenlyoun, neither appearing himself nor having entered his said father as charged, is to be denounced rebel. Page 1016.

Acta 1601-2.

There being "some variance and contraversie" beweeu Kenneth M^cKeinzie of Kintaill and Donnald M^cAngus of Glengarry, both parties are to be ordered, under pain of rebellion, to subscribe, within three hours after being charged, such forms of mutual assurance as shall be presented to them, to endure till 1st May 1603. MacKenzie of Kintaill and MacDonald of Glengarry charged to assure each other.

Duncane Campbell, younger of Glenlyoun, to be denounced rebel for not producing his father to answer a complaint by Grissell Marschell, widow, that Colene Campbell, elder of Glenlyoun, and Archibald Campbell, his brother, reft from her fifteen head of cattle, six head of "easned ky," a brown mare, and twenty head of sheep. Campbell, younger of Glenlyon, to be denounced at the instance of Grissel Marshall.

Same to be denounced, for same reason, on complaint by Margaret Robertsoun, relict of Johne Myllar in Drumquhinzeane, that, eight years ago, the said Colene, with others, came to the said lands and reft
Page 1017. eight drawing oxen, worth £20 each, seven kye with their followers, price 20 merks each, thirty-six head of sheep, worth 4 merks each, three horses, worth £20 each, twenty pounds of ready silver, and her whole plenishing, worth £40. Campbell, younger, to be denounced at the instance of Margaret Robertson.

Complaint by Duncane M^cClagane in Bowraik, tenant of the Laird of Gairnetullie, that, about Candlemas 1602, Donnald M^cEne V^cCoaldich, Sir Johne Murray of Tullybairdin's man, reft from the pursuer "ane young dun meir and ane young blak meir," worth 40 merks each.—Sir Johne, neither appearing nor having entered is said man, is to be denounced rebel. To denounce Sir John Murray of Tullibardine at the instance of Duncan MacLagan.

Complaint by James M^cInnes, the Laird of Gairnetullie's man, that, in 1599, M^cIlchrist Roy V^cLeiche, servitor of Patrik Murray, son of the Laird of Tullibairdin, reft from the pursuer a black mare, worth £40.—
Page 1018. The pursuer appearing, the said Laird, for not appearing or having entered his said man, is to be denounced rebel. To denounce Sir John Murray at the instance of James MacInnes.

Complaint by Finlay M^cEane V^cInnes, the Laird of Gairnetullie's man, that in 1599 Andro Gow, the Laird of Glenurquhy's (? Tullibairdin's) man, spuilyied from him a brown horse, worth £24.—The complainer appearing by the Baron of Mones, his procurator, Tullibairdin, for neither appearing nor having entered his said man, is to be denounced. Sir John Murray denounced at the instance of Finlay MacIan MacInnes.

Complaint by Alexander Haggart in Easter Capeth, that Colene Campbell of Glenlyoun, Allaster Scot in Fongorth, Johne Stewart, son-natural of Allaster Stewart of Dalguis, and Patrik Robertsoun, son-in-law of Mr. Johne Hay in Kincairny, with others, came in November 1594 to the town and lands of Easter Capeth, and there spuilyied from pursuer and his father four kye and three oxen, worth £20 each, with the whole plenishing of their house, worth £40.—Charge had been given to the first three defenders to answer; and now, the complainer appearing, but none of the said defenders, the order is to denounce them rebels. Campbell of Glenlyon and others denounced at the instance of Alexander Haggart.

Complaint by Andro Young, Patrik Colt, and David Mar, in Balinblair, that Colene Campbell of Glenlyoun, Donnald M^cInnair, Duncane Gressich, and Robert Dow, domestic servants to the said Donnald, came, in August
Page 1019. 1600, to the lands foresaid and spuilyied from them four oxen and a cow. Campbell, younger of Glenlyon, denounced at the instance of Andrew Young and others.

—Charge had been given to Duncane Campbell, younger of Glenlyoun, as custodier of his father, to enter him to answer; and now, the pursuers appearing, the said Duncan, for not appearing or producing his said father, is to be denounced rebel. Acta 1601-2.

Campbell, younger of Glenlyon, denounced at the instance of James Bradie and others.

Complaint against Colene Campbell of Glenlyoun, Archibald Campbell, his brother, Stewart, son of Stewart of Dalgus, and Allaster Scot, servitor to the said Colene, as follows:—Colene and his said accomplices, with others, at Martinmas 1593, spuilyied from James Bradie (Brydie) in Snago six oxen and nine kye, with their followers, worth £20 each, and his whole plenishing and habiliments, worth 100 merks; from James Stratoun there, five oxen and two kye, with their followers, worth £20 each, two webs, and his whole plenishing, worth £40; from Johne Bradie there, five oxen and a cow, with her follower, price foresaid, and his whole plenishing, worth £40; from Johne Bethie in Kincairny, two kye with calf, price foresaid, and his whole insight, worth £40,—"and schamefullie and cruellie straik and dang him efter thay had tyrrit him naiked"; from Geillis Bissett, relict of Johne Haggart in Easter Kippett, and Johne Haggart, her son, there, three mares and two horses, worth £40 each, two oxen and seven kye, price foresaid, with their whole plenishing, worth £80; and from Margaret Purves, relict of Johne Haggart, younger, there, and Williame Haggart, now her spouse, four mares, two horses and two kye, price foresaid, with her whole insight and habiliments, worth 100 merks.—Johne Haggart, William Haggart, James Brydie, and Johne Bethie appearing, the younger Glenlyoun, for neither appearing nor having produced his said father, is to be denounced rebel.

To denounce Campbell, younger of Glenlyon, at the instance of William Young.

The same to be denounced, for the same reason, on a complaint by Williame Young, sometime in Tullybaglis, that, eight years ago, Archibald Campbell, brother of the Laird of Glenlyoun, with others, of the causing of the said Laird, spuilyied from him six kye, worth £20 each. Page 1020.

Mr. George Whyte against Campbell of Glenorchy for debt.

Action by Mr. George Quhyte, burgess of Perth, bearing that, albeit Sir Duncane Campbell of Glenurquhy, by his letter obligatory, admits that he owes to pursuer 200 merks, he will not pay the same, the term for payment being long past.—The pursuer appearing personally, and the defender by his son, Robert Campbell, the Lords ordain the defender to pay one half by Michaelmas next and the other half by "Andermes" next.

Campbell of Glenorchy denounced at the instance of Fergus McCoull and others for non-entry of certain of his men.

Charge had been given to Sir Duncane Campbell of Glenurquhy to enter Johne M°Gillevorich at the Beate of Fiularg, his man, to answer to a complaint by Fergus M°Coull in Straloch of reif from him, furth of the lands of Straloch, four years ago, of a black mare four year old, worth £30, a red "pyat" mare, eight year old, worth £40, a brown horse, two year old, worth £20, and a black mare, worth 20 merks.—The pursuer appearing personally, and Sir Duncane by Robert Campbell, his son and procurator, the order is to denounce Sir Duncane for not entering his said man.—He is also to be denounced on three other charges: viz. (1) For not Page 1021.

Acta 1601-2. entering Gregour M^cEwne Gregour, his man, to answer a complaint of theft in 1597 of a black "keir" mare, worth £24, from Finlay M^cEane V^cInnes, the Laird of Gairnetullie's man,—said pursuer appearing by James M^cEane V^cInnes; (2) for not entering his man Ewne M^cEane Dow V^cGillechonane, to answer a complaint of theft, at Martinmas 1598, of a horse and mare, worth 100 merks, from Malcolme M^cQuene, tenant of the Laird of Garnetully,—pursuer appearing personally; (3) for not entering Johne Dow M^cPhaill V^cClerich his man, to answer a complaint of reif, at Michaelmas 1600, of six marts, worth £20 each, from Johne Myllar, servant to the Laird of Garnetully, said pursuer appearing by the Baron of Mones.

Page 1022. —Each of these four decrees against Glenurquhy is followed by direction not to give out the letters against him till 11th November next.

Earl of Atholl to be denounced at the instance of the tenants of Ardeties.

Charge had been given to Johne, Earl of Athoill, to enter Johne Reid and Johne M^cCondochy, his men, to answer a complaint by the tenants of Easter and Wester Ardetteis, that they had come seven years ago, with convocation of the lieges, and reft from complainers, furth of their said lands, forty head of oxen, young and old, price of each over-head £20, five score head of cattle, young and old, price of each over-head 20 merks, thirty-five horses and mares, worth £20 each, eleven score head of sheep, worth 40s. each, together with the whole plenishing of their houses, estimated at 3000 merks.—The pursuers appearing by Johne Maxtoun in Easter Ardetteis, the Earl, for neither appearing nor having entered his said men, is to be denounced rebel; but the execution of the horning is to be superseded till 11th November next, that meanwhile he may arrange matters.

Thomas Morrison against Campbell of Glenorchy for reif by one of his men.

Charge had been given to Sir Duncane Campbell of Glenurquhy to enter Johne M^cEane Vane, his man, to answer a complaint of theft, six years ago, of a horse, worth 40 merks, from Thomas Moresoun in Muling in Athoill.—Pursuer appearing personally, Sir Duncane, appearing by his son Robert Campbell, is ordained to restore the horse in as good condition as when it was taken away.

Allaster McDuff against John Campbell for reif: Decree of absolvitor.

Charge had been given to Alexander Meinzeis of Weyme to enter Johne Campbell, his man, to answer a complaint by Allaster M^cDuffy in Berryhill touching the reif from him of two mares with their followers, worth £50 each. The pursuer appears personally, and Meinzeis by his brother, Duncane, who enters Campbell. The Lords assoilzie Campbell on his great oath that the charge is not true.

Page 1023.

To denounce Stewart of Appin at the instance of John Fergusson.

Complaint by Johne Fergusoun of Dercullych, that Donnald M^cEane Dowy V^cAllaster M^cEane Abrich, Duncane Stewart of Appin's man, with his accomplices, came to the pursuer's "Month" of Derculych five years ago, and reft four mares, worth £20 each.—The pursuer appearing by Johne Schaw, his procurator, Stewart, for neither appearing nor having entered his said man, is to be denounced rebel.

William Mason against James Sandison.

Complaint by Williame Masoun in Cowquhalestoun, that James Sandiesoun *alias* Smyth in Abergarne, having received from him six years ago two kye and two oxen, worth £20 each, in grazing, wrongously withholds

the said goods.—Both parties appearing, the Lords decern Sandiesoun to pay pursuer 88 merks as the price of the said goods by the feast of Martinmas next; for payment whereof Duncane Gordoun in Cultis becomes surety. Acta 1601-2.

Christian Moyle against David Maxton for reif.

Complaint by Cristeane Moyle in Berryhill against David Maxtoun, burgess of Perth, for reiving from her, out of the lands of Leidnoch, ten years ago, thirty-six head of cattle.—The pursuer appearing by Allaster M^{c}Duff, her husband, and the defender being also present, the Lords assoilzie defender, because complainer has failed in the proof. Page 1024.

To denounce Campbell, younger of Glenlyon, for non-entry of his father, sued for reif.

Duncane Campbell, younger of Glenlyoun, to be denounced for not producing his father, the Laird of Glenlyon, to answer a complaint by Allaster M^{c}Intailyeour in Tullichmureis, that Patrik M^{c}Gillireoch, servant of the said Laird of Glenlyoun, had masterfully reft from him two oxen, worth £20 each.

Same to be denounced, for same reason, on a complaint by James Quhattan in Inchestuthill, Johne Haggart there, Williame Haggart there, James Brydie in Snago, Johne Brydie there, and James Stratoun there (all appearing personally), that Colene Campbell of Glenlyoun, and Archibald Campbell, his brother, accompanied by a great number of highland men, came, in November 1593, at night, and reft from the lands of Inchestuthill and Snago thirty oxen and kye, worth £20 each, together with certain plenishing worth £100, and also three mares and a "staig," price of each £20.

Falkland, 15th September.

Sederunt—REGE PRESENTE—Lennox; Cancellarius; Huntley; Thesaurarius; Secretarius; Comptroller; Collector; Sir Robert Melvil; Sir Thomas Erskene; Sir Patrik Murray. Page 1025.

Proclamation prorogating the Raid to the Isles till the next spring.

As, ntowithstanding the proclamations charging all the lieges to burgh and land within the shires of Aberdene, Banff, Elgyne, Forres, Narne, Inuernes, Caithnes, Cromartie and Orknay, to meet his Majesty or his lieutenant at Inuernes in September instant and to "pass fordwart thairfra to the Lewis for the persute of the disorderit thevis and lymmaris of that Ile, establischeing of peace, justice and quyetnes within the same, and setling of the said Ile under his Hienes obedience" (*ante*, p. 420), his Majesty and the Council find the present season of the year "nawayis to be meit for sic a service, seing the personis subject to that proclamatioun may not without thair grit hurt and inconvenient attend thairupoun, thay haveing thair haill cornes for the maist pairt yit upoun the ground, and the winter seasone approcheing," his Highness therefore prorogates that expedition to the next spring, "to the effect his Majestie, with avyse of his Counsall, in the meanetyme may tak sic substantious and solide ordour as that service may be followit out in sic forme and maner as to his Majesteis honnour appertenis." Publication to be made hereof, with charge to the lieges subject to the first proclamation to prepare themselves for new advertisement.

cta 1601–2.

Declaration that, if any one of the name of Lindsay who has subscribed or shall subscribe an assurance to the Master of Ogilvy and his friends has resetted or shall reset David Lindsay, son natural of David, Earl of Craufurd, Hary Lindsay, called of Blaryfidden, Gilbert Rynd, son of the Laird of Kers, or Ramsay, to Ramsay of Arbeky, at any time since the slaughter of Williame Innes and hurting of Mr. David Ogilvy (*ante*, p. 450), the said reset shall infer a break of the assurance. Anent the assurance between the Lindsays and the Ogilvys.

In presence of the King and Council, George, Marquis of Huntley, promises to cause Johne Gordoun, sheriff-depute of Aberdene, and Jasper Cummyng, sheriff-depute of Inuernes, to render their accounts of the said shires in the Exchequer at Edinburgh upon 24th November next. He also promises to do his diligence in causing redress to be made to the poor tenants of Glenyla for the hership committed upon them by M^{c}Rannald, and to apprehend M^{c}Rannald or pursue him and his accomplices with fire and sword. Promises by the Marquis of Huntly.

ge 1026.

James, Master of Ogilvy, and Sir John Ogilvy of Craig, appearing, promise to underlie, upon 24th November next, such order as his Majesty shall take with them touching the quietness of the country, and to answer hereafter whenever written for or charged by his Majesty. Promise by the Master of Ogilvy and Ogilvy of Craig.

Complaint by Sir Johne Murray of Tullibairdin, (1) that he is charged by Johne Dow in Preistoun to pay him 1000 merks for the skaith on the late Williame Dow alleged to have been committed five years ago by Johne Bell in the Head of Muling and Andro M^{c}Yok, servitors to the Baron of Muling, and by Andro M^{c}Eane Roy in the Head of Glencoich, servant to the complainer, and by Allaster and Andro M^{c}Yokis in Glencoich,—because he had not entered the said Andro upon 13th July last as required (*ante*, p. 413); (2) that he is charged by Alexander Stewart to make redress for 16 horses and mares, worth 20 merks each, alleged to have been stolen by Johne Dow M^{c}Gregour,—because he had not entered the said Johne the same day (*ante*, p. 416); (3) that he is charged by Williame Strageith for payment for four kye alleged to have been reft from him by M^{c}Kie in Glenmonschell (*ante*, p. 415). Now, in the first matter, complainer is wrongously charged, because he had been ordained only to enter the said Andro M^{c}Eane Roy, and decree had been given against James Campbell of Laweris for non-entry of Allaster and Andro M^{c}Yokis, his servants, and against David Fergusoun of Muling for non-entry of Johne Bell and Andro M^{c}Yokis, his servants,—so that the decree was given against five sundry persons *in solidum*, and complainer's responsibility would extend only to 200 merks, "gevand the fact foirsaid wer provin." Moreover, complainer had apprehended the said Andro and put him in prison and in irons; and the said Andro had broken the prison and escaped, by no fault of complainer. As to the third matter, complainer is willing to enter the said M^{c}Kie, although he is not his man. Farther, none of the three charges ought to have been directed against complainer, "except the fact and deid had bene provin aganis the com- Complaint by Murray of Tullibardine regarding certain decrees against him: Modification of the same by a new decree.

mittaris thairof, and trew it is that thair wes na sic thing provin aganis thame." As respects the second matter, he ought nowise to be answerable for the said Johne M^cGregour, because the said Johne is not his man, but dwells upon the lands of Glenlyoun. Still, complainer has found caution for the satisfaction required in case it be found just. Wherefore, all the said charges against him ought to be suspended simpliciter.—The complainer and the said Johne Dow and Allaster Stewart appearing, the Lords ordain the letters raised by the said Johne Dow to be put to farther execution for payment by the complainer of 200 merks only, as the fifth part of the 1000 merks; also, find the letters obtained by the said Alexander Stewart to be orderly proceeded, and ordain the same to be executed against complainer; and, farther, suspend the letters obtained by the said Williame Strageith against complainer. Acta 1601-2 Page 1027.

Act in favour of Balfour of Burleigh as importer of arms.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of his Secrete Counsall be Sir Michaell Balfour of Burley, knycht, makand mentioun that, quhair it is notour to his Majestie how that he, upoun a speciall regaird of his Majesteis honnour and service, and for the commounweill and benefite of the cuntrey, undertuik the hame-bringing of a certane nowmer of armes for horsmen and futemen, and promeist to compleit the haill nowmer conditioned to be hame-brocht betuix and Witsonday nixt,—according to the quhilk the said complenar hes brocht hame ane grit nowmer of armes of all sortis and hes the maist pairt of thame as yit lyand upoun his hand within the sherefdomes of Edinburgh, Fyfe and Forfar,—and now, the winter seasoun being approchit, and ane grit nowmer of the armes alreddy brocht hame being lyand upoun his hand, quhilk will not be dispatchit afoir Witsonday nixt: humlie desyring thairfoir that he mycht have ane Act of Counsall past and exped in maner and to the effect following, lyk as at mair lenth is contentit in the said supplicatioun. Quhilk being red, hard, sene and considerit be the Kingis Majestie and Lordis of Secrete Counsall, and thay finding the desyre thairof to be very ressonable, the Kingis Majestie and Lordis of Secrete Councel prorogattis the tyme appointit for compleiting of the haill nowmer of the armes appointit to be brocht hame be the said complenar unto the Feist and terme of Witsonday in the yeir of God j^m vi^c and four yeiris. And siclyk, seing the saidis Lordis hes appointit and ordanit the said complenar to bring the armes to be sauld be him in every sherefdome to the heid burgh of the schyre, and thair to sell the same to his Majesteis liegeis, quhilk is a mater altogidder impossible to him, becaus the armes cannot be transported be land, and to sindrie of the heid burghis of the schyres within this realme thair is na passage bot be land, thairfoir his Majestie and the saidis Lordis dispenssis with the Act and ordinance maid to that effect, and declairis that it salbe sufficient to the said complenar outher to bring thame to the heid burgh of the schyre quhair thair is a portative revar to carry thame, and, failyeing thairof, to the maist commodious sey port of the schyre."

ta 1601-2. ge 1028.

His Majesty, as judge arbiter and amicable compositor chosen by the parties underwritten according to the submission following, having pronounced his decree arbitral thereanent, commands both the submission and decree to be registered in the Books of Secret Council. The tenor of the submission is to the following effect:—"This blank within contenit," subscribed by Sir Johne Murray of Tullybairdin, and William Murray, his son and apparent heir, for themselves and for the whole of the Murrays within Stratherne, and others whom they "may stop or latt," and by Murray of Balvaird for himself and his friends, on the one side, and by George Lundy, apparent of Gorthie, for himself and for Mr. George Lundy of Gorthie, his father, as having warrant from his said father to that effect, and for all others their kin, friends and dependers, is to be filled up by his Majesty, as the only judge arbiter chosen by both the said parties, to whom they submit the present feud standing between them for the slaughter of the late Johne Murray, committed by the late David Lundy, brother of the said George, and for the slaughter of the said David by the said Laird of Balvaird, together with the assythment to be made for the said slaughters *hinc inde*, and also all other actions and quarrels between the said parties, to be amicably settled and "packit up" by his Highness as he shall think expedient.—His Majesty, having accepted the said office of arbiter, and having appointed this day to both parties for giving in their claims, and having undertaken to pronounce his decree by 17th instant, both parties oblige themselves to fulfil the same without appeal. In witness whereof his Majesty and the said parties have subscribed these presents at Falkland this day before Johne [The register abruptly ends here].

Falkland, 16th September. Submission by Lundy of Gorthy and Murray of Tullibardine of their quarrels to his Majesty, with the King's decree-arbitral thereon.

erunts, . 37, b.

Sederunt—Chancellor; Fyvie; Neubottle; Treasurer; Halirudhous; Comptroller; Collector; Justice Clerk; Advocate; Tracquair.

Edinburgh, 28th September.

[No record of proceedings from 16th September to 8th October.]

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a 1602 3. e 1.

Sederunt—Montrois, cancellarius; Uchiltrie; Spot, thesaurarius; Haliruidhous; Collector Generalis; Advocatus; Tracquair; Slammannanmure: unacum Domino de Hereis et Lochinvar.

Dumfries, 8th October.

Justice courts having been proclaimed to be held in the burghs of Peblis and Jedburgh upon 15th and 26th instant "for punischeing and trying be ordour of justice the monyfauld enormiteis and insolenceis quhilkis hes bene sa frequent and commoun thir yeiris bigane within the Middle Merch," and his Majesty intending to be present at the said courts with a number of his Council, there is order to charge all and sundry fencibles between 60 and 16 years within the shires of Selkirk and Peblis to meet his Highness at Peebles upon 15th instant, and the fencibles in Rox-

Proclamation of musters to attend his Majesty at the justice courts to be held in Peebles and Jedburgh.

burghshire at Edinburgh upon 25th, provided to remain with him 15 days, Acta 1602-3
under pain of loss of life, lands and goods.

Dumfries, 11th October.

Sederunt—Ut in die predicto.

Kirkpatrick of Kirkmichael against James Mackrerie for the theft of a horse.

Complaint by Alexander Kirkpatrik of Kirkmichaell, that in July last he Page 2.
apprehended in the hands of James M'Crerie in Sanquhair "ane blak snippit horse," worth £200, stolen from him in the month of May preceding furth of the lands of Quhittisyde.—Both parties appearing, and the said horse having been exhibited before the Lords of Council, they ordain the defender to restore the horse, he having his relief against the persons from whom he bought it.

Dumfries, 12th October. Thomas Weir against Weir of Halcraig and others for spuilyie and oppression.

Summons by Thomas Weir of Over Kirktoun, and Johnne Weir, his son, there, against Robert Weir of Halcraig, James Weir, William Weir, Alexander and Johnne Weiris, his brothers, Johnne Levingstoun of Belstane, Gawin and Alexander, his sons, James Weir in Balschaw, his son-in-law, Alexander and Archibald Prenteis in Belstane, Johnne and Patrik Brownlie there, Patrik Findlay there, his tenants and servants, Robert Lindsay, his good-brother, Johnne Fynlay in Belstane, to the effect following:—The complainers are heritors of a forty shilling land of Over Kirktoun, lying within the parish of Carlup (? Carluik) and shire of Lanark; and they and their predecessors have these 60 years been in peaceable possession till about three years ago, when Robert Weir of Halcraig, James, William, Alexander and Johnne, his brothers, with others, all Page 3.
armed with hagbuts and pistolets, came to the said Thomas Weir's house, broke up the doors and locks, and spuilyied four mares and a horse, twenty ewes, three kye, and his whole insight goods, and "dang and bludit his wyff in the heid." The pursuers, having complained to the Lords of Session, had obtained letters charging the "saidis haill personis" to find surety for their indemnity. Although the said Robert had found surety to that effect, his said brothers, for not finding the same, have been denounced rebels and registered at the horn. Farther, upon 18th February last, the said Robert Weir, accompanied by his said brothers, the Laird of Belstane, with others abovenamed, all armed in like manner, came to the said Johnne Weir's dwelling-house, broke up his barn doors, and took his whole seed corn and bear, threshed and unthreshed, "away upoun his horse bakis," and carried it to the Laird of Belstane's houses, where they divided the same among them. Still farther, the said James Weir, brother of the Laird of Halcraig, came to the complainer's lands, "he being wirking in the quarrel," and there "boistit him to have bereft him of his lyff."—Charge had been given to the said Robert Weir of Halcraig, James, Williame and Alexander, his brothers, Johnne Levinstoun of Belstane, Gawin and Alexander Levinstonis, his sons, James Weir in Balschaw, Alexander and Archibald Prenteissis in Belstane, Johnne and Patrik Findleyis there, and Patrik

a 1602-3. e 4. Brounlie there, to appear this day to answer; and now, Johnne Weir, complainer, appearing for himself and his said father, and Robert Weir of Halcraig and James Weir of Benschaw being also present, but the said James, William and Alexander, sons (? brothers) of the Laird of Halcraig, Johnne Levingstone of Belstane, Gawin and Alexander Levingstones, his sons, Alexander and Archibald Prenteissis, Johnne and Patrik Findleyis, and Patrik Brounlie, failing to appear, the Lords ordain the defaulters to be denounced rebels, and decern James Weir of Benschaw to find caution in 500 merks for the indemnity of the pursuers, who pass from the pursuit of Robert Weir of Halcraig.

John Inglis against Jarden of Applegirth for spuilyie by his man.

Complaint by Johnne Inglis, servitor to the Laird of Calder, as follows :—Nicoll Jardene in the Hoill reft from him, furth of the lands of East Scheill, "ane gray stanet horse," worth £100, and six nags, worth £100 each,—"for the speiring and trying of the quhilkis guidis" pursuer gave 130 merks of "saw silver," besides 300 merks of expenses for recovery of the horses. Pursuer having complained to his Majesty when he was last in Drumfreis, Alexander Jerdane of Apilgirth, Nicoll's master and chief, had promised to his Highness to enter him; but the promise has not been

5. kept.—Both parties appearing, the Laird of Apilgirth is ordained to pay to pursuer 430 merks as the value of the said goods.

John Cairns against the Master of Herries for the restitution of a horse.

Complaint by Johnne Cairnis of Cultis, that his eldest son Alexander Cairnis, among many "undewtifull and unnaturall behaviouris," lately reft from him a grey horse, worth £100, which pursuer has challenged in the

6. possession of Johnne, Master of Herreis.—The pursuer appearing by Margaret Hammiltoun, his spouse, but the said Master not appearing, the Lords ordain the said Master to restore the horse within 24 hours after being charged, under pain of rebellion.

Isobel Hamilton against the Master of Herries for certain goods spuilyied from her.

Complaint by Issobell Hammiltoun, widow, dwelling at the Bridge-end of the burgh of Drumfreis, as follows :—In July three years ago, while she was coming from Edinburgh to this town, accompanied by a servant, both being on horseback, and carrying "certane ellis of skarlet" and other goods which she had bought in Edinburgh, the late Fergie Airmestrang, called "Fals Fergy," and David Airmestrang, called of Cannabie, with others, seized their horses by the bridles and "caryit thame furth of his Majesteis hie way to a darne place in the mure," where they reft from her the said wares, which cost above 100 merks, and also the horse and mare on which they were mounted, worth £40 each. On her complaint to the Master of Herreis, then holding court at Langholme, he had not only promised to see her redressed, but had also compelled the said David, who was present in court, and Geordie Armestrang, son of the said Fergy, to promise her full restitution. They had then given her, towards payment, a mare which she valued at 20 merks; but she can get no satisfaction for

7. the balance.—The pursuer appearing by Robert Sympsoun, her son, the said Master, not appearing, is decerned to pay her 100 merks as the value of her wares, with £40 as the price of the horse reft from her.

Dumfries, 13th October.

Sederunt—Ut in die predicto. Acta 1602-3

William Graham against James Irving for destroying his corn.

Complaint by Williame Grahame of Blahartwode that, in August last, Jauffray and James Irwingis, sons of Edwart Irwing of Boneschaw, came at night to the pursuer's lands of Dronok, and there, with their swords and scythes, destroyed all his corns, estimated at 40 bolls.—Charge had been given to James Irwing to answer; and now, the pursuer appearing, the said James, for not appearing, is to be denounced rebel.

Dumfries, 14th October.

James Rob against James Gordon for spuilyie by his man.

Complaint by James Rob in Cluny that, three years ago, Michaell Biglen, sometime in Nether Terrachtie, a common and notorious thief, stole from him furth of the lands of Over Terrachtie a black nag, worth £30, which he challenged afterwards in the possession of Johnne M^{c}Intagart, miller, at Over Borg Mill, who is James Gordoun of Haissilfeild's man.—The pursuer appearing, the said Gordoun, for neither appearing nor having produced the said Auchintagart, is to be denounced rebel. Page 8.

Robert MacKie against Alexander Gordon for the slaughter of Patrick MacKie.

Summons, at the instance of Robert M^{c}Kie in Corsbie, brother-son, with the other kin and friends, of the late Patrik M^{c}Kie, son of the late James M^{c}Kie in Corsbie, against Alexander Gordoun in Knokbreax, for having cruelly and unmercifully slain the said Patrik. The pursuer appearing, Gordon, for not appearing, is to be denounced rebel. Page 9.

Robert Maxwell against Maxwell of Tinwald and sons for burnings, reifs, and oppression: The defenders denounced.

Complaint by Robert Maxwell of Nether Redik, as follows:—In March 1582, Edward Maxwell of Tinwale most treasonably caused the late Williame Broun in Bicher to burn two stacks of bear and six stacks of oats, together with the barn of Bracoche and corns therein, belonging to the pursuer, as had been confessed by the said Broun before his execution for the said crime. The said Edward, upon 10th August 1588, had been put to the horn in default of finding surety to underlie the laws for the said crime. But, "continewing in his former ungodlie, treasonable, barbarous and wicked deidis," he had upon 3rd November 1594 come to the said lands of Bracoche, accompanied by William Harbert, Edward and Johne Maxwellis, his sons, Richart Grahame of Reidkirk, Fergus, Waltir and Christie Grahames, his brothers, George Bell in Annand, William Johnnstoun of Brum, Richart Irwing of Robgill, William Irwing of Skaillis, Mathew Irwing of Hurkildaill, Waltir Irwing, his son, with divers others, to the number of forty persons, "maist commoun and notorious theiveis and oppressouris of the cuntrey," and there burnt and destroyed the manor place and office houses of the complainer's lands of Bracoche, with all the corn, threshed and unthreshed, therein, reiving and taking away all his goods, kye, oxen, sheep, nolt, and other moveables. In respect of this last outrage pursuer had raised two actions before the Lords of Session, and, upon 15th December 1595, had obtained two decrees against the said Edwart, and William, Harbert, Edward and Johne Maxwellis, his sons, decerning them to rebuild the said houses, and to restore the goods, corns and other articles, or else pay complainer the value thereof; whereupon, complainer had executed letters of horning Page 10.

Acta 1602-3. against Edwart, elder, and Harbert, his son, the said Harbert being in Edinburgh at the time, and the said Edward, his father, "being captive for the said first cryme." But no messenger will dare to execute the letters against the said Williame, Edwart and Johnne Maxwellis. Thus, not only have complainer's said lands lain waste these nine years past, but he himself, once "ane honnest, substantious gentilman," his wife and ten poor bairns, "ar utterlie wrackit," and the said
Page 11. defenders remain in possession of his lands and goods.—Charge had been given to Edwart Maxwell of Tinwale, and Harbert, Edwart and Johnne, his sons, to answer; and now, the pursuer appearing, but none of the defenders, the order is to denounce them rebels.

Sederunt—Ut in die predicto. Dumfries, 16th October.

John Hillow against Archibald Kirk and others for the slaughter of his father.

Complaint by Johnne Hillow, son of the late Archibald Hillow in Billeis, as follows:—Upon 2nd August last, while the pursuer's said father was coming from to his own house, Archibald Kirk in Billeis, Patrik Kirk, his brother, at the mill of Keltoun, Johnne Kirk at the mill of Kirkcormok, and Archibald Kirk, younger, hounded out Johnne Kirk, son of the said Archibald, elder, to lie in wait; who, "without pitie or compassioun of the said complenaris said umquhill fatheris grey hairis, being of the aig of threscore and twelf yeiris," cruelly murdered him under cloud of night, and then passed to the house of his uncle, the said Patrik
Page 12. Kirk, where he was resetted.—The pursuer appearing and passing from the complaint against the said Archibald Kirk, elder, and Archibald Kirk, younger, the said Johnne Kirk in Billeis, the only other defender summoned, for not appearing, is to be denounced rebel.

James MacLellan against Graham of Reidkirk and his brothers for spuilyie.

Complaint by James M^{c}Clellane, tutor of Nuntoun, and James M^{c}Clellane in Kirkland, his brother, as follows:—In August 1597, Richie Grahame of Reidkirk, Cristie and Fergy Grahames, his brothers, with others, waylaid pursuers at the back of Newabbay, above Neth in Galloway, and reft from them fifty oxen and two kye, each ox worth £20 and each cow 20 merks, "ane broun amling naig," worth 100 merks, a black nag, worth £24, a purse containing 100 merks, "ane garment of clothis with ane dowblat," worth £40, and a sword, worth £10, together with two stands of clothes belonging to their servants, worth £20. The pursuers, having complained to the late Laird of Carmichaell, their warden for the time, had, upon the said Richie's own confession, obtained
Page 13. a decree; but no redress has yet been made.—The pursuers appearing personally, the said Richart and his brothers, for not appearing, are to be denounced rebels.

Roger Grier against Cuninghame of Shaw for spuilyie.

Complaint by Roger Greir in Killelago that, in August five years ago, George Cunynghame of the Schaw, with his accomplices, came to the lands of Gordounstoun and spuilyied from complainer six kye and 20
Page 14. sheep.—Both parties appearing, the Lords ordain defender to restore the said goods, or else to pay £10 for each cow and 40s. for each sheep.

Dumfries, 18th October.

Sederunt—REGE PRESENTE—Chancellor; Mar; Treasurer; Halyruid-house; Collector; Sir James Sandielandis. Acta 1602-3.

Robert Whinkerstones and John Marshall against John Neilson for hurt and injury: Sentence on Neilson.

The King and Council, considering the great injury done by Johnne Neilsoun, tailor, burgess of Drumfreis, to Robert Quhinkerstanes, burgess there, by mutilating him in both hands, and also considering the "attempt and offence" committed by the said Johnne against Johnne Mairschaill, bailie of the said burgh, by shooting him with a hagbut while in the execution of his office, and finding the offers of redress made by Neilsoun to the said Robert not sufficient, ordain Neilsoun to pay to Quhinkerstanes 300 merks as assythement for the said mutilation, and to remain in ward in the pledge chamber till he make complete payment thereof, and also to make public amends to the said Robert at the market cross of Drumfreis, and to "crave him pardoun, and offer him the sword be the point, and to mak the lyke publict amendis in honnour and homage to the said Johnne Mairschaill, for himselff and in name of the haill toun," such amends and homage "to be maid be the said Johnne bair-futed and sark allane."

Order for the entry of Homer Maxwell, clerk of bailie court at Dumfries.

The 16th November next is assigned to Sir James Dowglas of Drumlangrig for the entry before the King and Council of Homer Maxwell, clerk of his court at the time of the conviction of Johnne and Petir Muliganis, tenants of Johnne Maitland of Auchingassill, together with the whole process led in that case, to the effect his Majesty and Council may understand the proceedings against the said tenants. Page 15.

Maitland of Auchingassle against Douglas of Drumlanrig, for spuilyie, oppression, and circumvention.

Complaint by Johnne Maitland of Auchingassill, as follows:—Sir James Dowglas of Drumlangrig, superior of the pursuer's lands of Tibberis, "being ane speciall grite man in the cuntrey," has, by the "extraordinair meanis following," done complainer grievous wrong and "conqueist unto himselff" the foresaid lands:— (1) In 1585, the late Johnne, Lord Maxwell, warden, having taken the Laird of Johnnestoun, and, by the assistance of the said Sir James, "overrun the haill cuntrey quhair the said complenair dwelt," the said Sir James apprehended complainer and "forceit him, for feir of his lyff, to mak promeis to assist him in all his adois." (2) In November 1585 the said Sir James and others spuilyied from complainer and his tenants of Auchingassill 400 kye and oxen and 1000 sheep; and, when he raised action for restitution, Sir James was absolved by reason of the Act of Abolition,—"as he quha wes ane pertaker with the said umquhill Johnne, Lord Maxwell, in all his insolenceis, not onlie in the pairtis quhair the said complenair dwelt, bot also at the Raid of Striveling." (3) In September 1597, the said Sir James Dowglas, and Sir James Johnnstoun, now of that Ilk, having fallen into deadly feud, "and slauchter being hapnit on baith pairtis, and frequent heirschippis committit be the Laird of Johnnstonis, cheiff in the pairtis of Nithisdaill, as also frequent heirschippis committit be the Bellis and Cairlillis and utheris," the said Sir James Dowglas's "freindis and followairis in the pairtis of Annandaill, the Johnnstonis, Grahames, Irwingis and haill

Acta 1602–3. Page 16.

Border toun," came with displayed banners, and planted their "stallis" upon the complainer's lands, "overran a forray the same," took complainer himself captive, and spuilyied from him kye and oxen, worth 20 merks each, sheep, worth 40s. each, forty horses and mares, worth £40 each, besides the plenishing of his place and of his tenants, estimated at , "and sua utterlie the Bordour wrackit, herryit and impoverischeit the said complenair and haill tennentis of the same, being done to him for his caus, in his querrell and for revenge of his deidlie feidis. And, quhen, in the monethis of October and November thairefter in the same yeir of God that his Heynes, for appeasing of the troublis of the said West Bordour, wes resident in Drumfreis, the said complenair meanit him to his Majestie and his Counsale for redres of his saidis guidis and geir, it wes found be his Majestie and Counsale that he sould not be redressit, bot maid his guidis sua reft and spuilyeit in the commoun caus, be ressoun he wes the Laird of Drumlangrigis vassall and held his landis of him." Now, Douglas and Johnnstoun are reconciled and have redressed parties skaithed,—"at the leist, twa speciall grite men, takand the burding on thame for thair pertakeris, hes speciallie quyit and forgevin utheris": yet no restitutioun has been made to the pursuer and his tenants,—to their "utter wraik." (4) In June 1600, Douglas came to the complainer's lands of Clengar at night, apprehended two of his men, Petir Muligane and Johnne Muligane, spuilyied their whole goods, worth £1000, and "hangit thameselffis by all ordour of law; and, althocht he hes producit before his Majestie and Lordis of his Secrete Counsale ane extractit proces quhairby it wald appeir that he had execute thame be the law, yit the samyn is fals and feinyeit, as the court buik of

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his regalitie will cleirlie testifie," the complainer being ready to prove that the subscriber of the said extract, at the time of the execution of the said persons, had been in Edinburgh. (5) "Being put to sic extreame povirtie be the ressonis foirsaidis, and haveing infeft Johnne Maitland, his eldest sone, in the peciable fie of all and haill the saidis landis, sua that he could get na thing upoun his saidis landis to leive upoun, the said Sir James byis the rycht of the said complenaris landis fra his said sone, and syne subtillie trafficques with all sic creditouris as the said complenair wes onywyse obleist to, and obtenit fra thame all sic rychtis as he had maid to thame in his favour; and, to declair his subtilitie, takis the rychtis in the persoun of ane thrid persoun quhome he was assuirit was at his devorcement; and, the said complenair being for certane his affairis within the burgh of Edinburgh, he movis certane of his saidis creditouris to chairge him to waird; quhair, pairtlie throw simplicitie, pairtlie throw feir, and pairtlie throw povirtie, [he] subscryvit ane contract, be the quhilk he ratifeit the dispositioun maid be his said sone to him, as alsua disponit his lyfrent of the saidis landis to him; be the quhilk contract he is obleist to gif the said complenair certane victuall yeirlie during his lyftyme. Quhilk contract, althocht the said complenair subscryvit the samyn, he nather red nor luikit, bot onlie subscryvit the same for feir

of his lyff and impresonment. Nather evir hes the said Sir James, sen the dait of the same, maid payment to the said complener of ony of the said victuall and silver payment; nather yit ressavit he ony sowmes of money for subscryving thairof; bot the said Sir James hes conducit with the said complenairis creditouris, and hes causit thame mak arreistmentis of his said victuall and silver dewitie, and hes componit with thame in sic maner that, for ane fyft pairt of the sowmes quhilk they allege the said complenair to be awand thame, he hes satisfeit thame of the haill, and sua, craftelie and subtelie aganis conscience, hes conqueist ane barony of land, suffering the said complenair, the just heritour thairof, perrische for fault of sustentatioun, being ane aigit man, haveing ane wyff and mony puir bairnis. And, not contentit with this, the said complenair haveing, in assedatioun of James Dowglas of Baitfurd, his sister-sonne, certane fischeing pertening to him in heritage on the Water of Nith, quhilk he of cheritie had bestowit upoun the said complenair for sustentatioun of his wyff and puir bairnis," the said Sir James caused "tak the nettis quhairwith the Wattir wes fischeit of the watter syde quhair they wer lyand, tuke the saidis complenaris servandis quha fischeit the same captive, kaist thame in the pit of Drumlangrig, and thairby usurpit his Heynes authoritie, and forceit thame, or he wald let thame to libertie, to tak the samyn fischeing of him, and sua hes alluterlie put the said complenair to extreame beging, sua that he is not abill to suit nor persew na ordour nor course of law, bot luikis for redres of his Heynes and Lordis of Secrete Counsaleis handis."—Both parties appearing, the Lords of Secret Council remit the said complaint (except the part thereof touching the execution of the said persons) to the judge competent thereto, and assign 16th November next to Sir James for the entry before them of Homer Maxwell, clerk of his court at the alleged conviction of the said persons, together with the whole process led against them at that time, to the effect order may be taken thereanent.

Acta 1602–3.

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Dumfries, 19th October.

Sederunt—Ut in die predicto.

Andrew Reid against John MacKinnay and sons for slaughter.

Complaint by Andro Reid of Straphanstrane, Johnne, James and David, his sons, with the other kin and friends of the late James Reid, also son of the said Andro, bearing that Johnne M^c^Kynnay in Barskeoch, George, Johne and Alexander, his sons, having conceived deadly hatred against the said James, unmercifully slew him in September last.—The pursuer appearing, but none of the defenders, the order is to denounce them rebels.

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William Dunbar against Alexander Dunbar for assault.

Complaint by William Dumbar of Culmalho that Alexander Dumbar, son of Patrik Dumbar of Craloch, "commounly and daylie" bears and uses pistolets and other forbidden weapons, carried pistolets on the 3rd of May for the pursuit of the complainer and his servants, and again upon 10th May struck complainer with a pistolet upon the hinder part of his head, "his bak being to the said Alexander, gangand furth of the dure of the dwelling-house of Mr. William Turnour, commissary of Wigtoun,"

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Acta 1602-3. and there left complainer for dead.—The complainer appearing, the defender, for not appearing, is to be denounced rebel.

Peebles, 26th October. Cuthbert Grierson and others against Cuthbert Bryce for compassing his death.

Complaint by Cuthbert Greirsoun of Dalskarth, Matho Greirsoun, his father-brother, and William Grahame, his servant, as follows;—In July last, Robert Maxwell of Fouremerkland, Homer Maxwell, his brother, Johune Maxwell of Seilstoun, Edwart Crichtoun of Peiltoun, James Maxwell of Portrak, Robert, Johnne and James Maxwellis, his sons, Edward Maxwell of Crosten, Johnne Wallace, younger, in Caryeild, Richard Hereis of Mabye, Cuthbert Bryce, his servant, Robert Herreis, elder of Barnebarroche, James Currour in Holme, and Kirkhouse of Bogrie, with others, armed with jacks, steelbonnets, lance-staves, hagbuts and pistolets, came in day-light to the house of James Greirsoun, dwelling at the Brigend of Drumfreis, and there searched for the
Page 21. pursuers for their slaughter, and, not finding them there, "oppinlie cryit oute and avowed to have thair lyveis," wherever they were. Again, upon 23rd August, they came in daylight to the lands of Marthrewin, armed as before, and there sought the said Mathew Greir for his bodily harm, and, not having found him, spuilyied his whole moveables, broke open his chests and took away his whole writs, especially his evidents of his said lands of Marthrewin.—Charge had been given to Cuthbert Bryce in Dowlarg Wodheid to answer; and now, both parties appearing, the Lords remit the matter to the proper judge; but, considering that pursuer has executed the summons against the defender purposely to draw him to trouble, inasmuch as pursuer had suppressed his complaint while his Majesty was at Drumfreis, albeit the same had been raised in September preceding, they modify to the defender the sum of £20 for his expenses. Farther, they ordain both parties to find lawsurety, the one to the other, the pursuer in 500 merks and the defender in 200 merks.

Page 22. *Sederunt*—Angus; Thesaurarius; Haliruidhous; Collector; Advocatus; Sir James Sandielandis. Jedburgh, 28th October.

The Treasurer against Gavin Dalzell as surety in an act of caution.

Action at the instance of Sir George Home of Spot, treasurer, Mr. Thomas Hammiltoun of Drumcairne, King's advocate, James Brigtoun at the mill of Sauchtounhall, and Nicoll Dalzell of Dalzellismill, his master, as follows:—Archibald Dalzell, son of the Laird of Dalzell, having been committed to ward in Edinburgh Castle by the said James, for "comeing undir cloud of nycht and taking him out of his bed naikit, and scurgeing him be the space of ane myle and ane halff or thairby" (*ante*, p. 320), had procured his liberty upon finding Gawin Dalzell, burgess of Perth, cautioner in 500 merks that he would answer to the said complaint when required, and would compensate Brigtoun. As he has not been punished and has not compensated Brigtoun, the said Gawin ought to enter him.—The
Page 23. Treasurer and Advocate appearing, but Gawin neither appearing nor having produced Archibald, the Lords decern Archibald and his cautioner

to have contravened the act of caution, and ordain process against them for payment of the 500 merks. Acta 1602-3.

Jedburgh, 31st October. Johnstone of Gretna against Turnbull of Minto and others for reif.

Complaint by Johnne Johnnstoun of Graitnay, as follows:—In September last, upon licence from Mr. Phenick, keeper of Tindell, pursuer had sent his three sons, with eight or nine of his servants, furnished with carriage and provision, to the hunting in Tindell in England, for "some vennysoun to the bankit maid be his cheif, the Laird of Johnnstoun, at the lait baptisme of his sone." As they were "lyand thair in Tindell at Anthone Edwardis scheillis at thair hunting," Thomas Trumble, younger of Mynto, Hectour Trumble of Barnhill, and Merk Trumble of Bewlie, then passing in that part of England "for the reiff and awaytaking of some guidis furth thairof," violently spuilyied from them five horses, with their carriage of bedding and victual, worth £240,—"the lyke of the quhilk violent fact wes nevir done heirtofore to hunteris being at thair pastyme." —The pursuer appearing, as also the said Thomas and Hectour, the Lords ordain the said defenders to restore three of the horses or else to pay pursuer £40 for each of them, pursuer having declared by his great oath that they were worth that sum when taken. Page 24.

Jedburgh, 2nd November. Elliot of Reidheugh declared answerable for Will Elliot.

Robene Ellot of Reidheuch, as chief of the Ellots within Liddisdaill, is declared answerable for Will Ellot of Fiddiltoun, conform to the general band, and also because Robene "delt and travellit" with the Laird of Johnnstoun, warden, for his liberty, and wrote to Sir James Sandielandis in his favour. The 30th instant is assigned to the said Robene for the entry of Will, and for his own personal compearance to underlie his Majesty's will. Page 25.

Edinburgh, 4th November.

Sederunt—Fyvie; Episcopus Rossensis; Kinlos; Custos Secreti Sigilli; Advocatus; Clericus Registri.

Protest in favour of the Treasurer and Murray of Broughton.

Sir George Home of Spot, treasurer, and George Murray of Broughtoun, give in a copy of letters raised by Alexander Cunynghame of Powtoun, charging them to produce this day, with a view to suspension, the letters of horning executed at their instance against him for his non-compearance to answer their complaint, touching his bearing of hagbuts and pistolets. Cunynghame not appearing, they protest that the said letters shall be put to farther execution, the Treasurer further protesting that Cunynghame, and William Fleming of Craigdow, who was his cautioner in 200 merks for his appearance, have incurred the said pain. The Lords admit the said protests and ordain accordingly. Page 26.

Suspension of letters of horning against Margaret Moncur.

Action by Margaret Moncur, relict of David Ros of Tullisnaucht, as follows:—She has been put to the horn at the instance of David, Bishop of Abirdene, for non-payment of £4 for his relief for her part of the taxation of 200,000 merks. Now, long before any charge to her for payment, she had *bona fide* paid the said sum to Gilbert Guthrie,

Acta 1602–3. younger, Marchmont herald. Moreover, she has consigned the said sum in the hands of Archibald Prymrois, and found caution to satisfy the Treasurer for her escheat, if it shall be found that she is legally denounced. Wherefore, the said letters of horning should be suspended.
Page 27. —The pursuer appearing by , but the defender failing to appear, the Lords do suspend the said letters.

Sederunt—Fyvie; Paislay; Kinlos; Privy Seal; Clericus Justiciarie; Halyruidhouse; Advocatus; Clericus Registri. Edinburgh, 9th November.

Suspension of letters of horning against Alexander Prentice and others.

Complaint by Alexander Prenteis, Archibald Prenteis, Johnne Findlay, Patrik Findlay, and Patrik Brounlie, all in Belstane, as follows:—Letters of horning have been directed against them for not answering to a complaint by Thomas Weir of Over Kirktoun, and Johnne Weir, his son, touching "certane pointis of oppressioun" (*ante*, p. 468). Now, as they were never lawfully charged to appear,—no copy of the charge having been delivered to them, nor intimation made to them of the same,—and
Page 28. as they had found caution, each in 300 merks, to answer this day, the said letters ought to be suspended.—The pursuers appearing, but the said Johnne Weir having neglected the charge to appear, the Lords do suspend the said letters.

Sederunt—Chancellor; Wyntoun; Fyvie; Dunkeld; Treasurer; Comptroller; Privy Seal; Justice-Clerk; Advocate; Halyruidhouse; Clericus Registri; Tracquair. Holyroodhouse, 16th November.[1]

[1] On the 10th of November there had met, in the Royal Chapel at Holyroodhouse, and therefore under the direct inspection of the King, that General Assembly of the Kirk which is numbered the 66th since the Reformation, and which, as it happened, was to be the last before the King's removal to England. Although originally appointed to be held at St. Andrews in the preceding July, it had been prorogued to the present date and place; "for now," says Calderwood, "it was the custome that the King appointed the Assembleis when and where he pleased by proclamatiouns at the mercat croces." The proceedings are given at length in Calderwood, vi. 160–188, and in *The Booke of the Universall Kirk*, 501–532 (in which last, however, the date of the meeting of the Assembly is, by some strange mistake, post-dated by a whole month).—The moderator of the Assembly was Mr. Patrick Galloway, "the King's awin minister"; and among the members present were the now titular or parliamentary Bishops of Ross, Caithness, and Aberdeen. They were not yet recognised, however, in the Assembly by the name of "Bishops," but simply as Mr. David Lindsay of Leith, Mr. George Gledstanes of St. Andrews, and Mr. Peter Blackburn of Aberdeen. The first business was the receiving of reports from those ministers who had been appointed by the last General Assembly to reside for a time in the families of the chief recent or still reputed Roman Catholic noblemen with a view to their religious instruction and confirmation:—from Mr. George Gladstanes, as to his diligence in this way with the Marquis of Huntly; from Mr. Alexander Couper and Mr. William Couper, as to their diligence with the Earl of Errol; from Mr. John Spotswood and Mr. James Law, as to their diligence with the Earl of Angus; from Mr. John Carmichael, as to his diligence with Lord Hume; and from Mr. David Lindsay and Mr. John Hall, as to their diligence with Lord Herries. It appeared that, on various grounds of excuse, very little had been done by any of the said ministers in their appointed tasks; and the Assembly, consequently, in making a new nomination of certain ministers to reside, each for three months, in the houses of the same five noblemen,—to whom were now added Lord Maxwell, Lord Semple, and the Earl of

To denounce the Master of Herries for not answering to a charge of releasing a prisoner.

The King's letters set forth that, Edward Edgair, a common thief, having been taken red-hand in theft by Robert M^c^Brair of Almegill, and by him entered in ward in the pledge chamber of Drumfreis, Johnne, Master of Acta 1602–3.

Sutherland,—framed certain definite instructions for the regulation of those nominated in the performance of their duty.—Another business which occupied the Assembly was the re-appointment of commissioners for a general visitation of all the presbyteries and parishes of Scotland, with a view to an inquiry into the "life, doctrine, and qualification and conversation" of every minister of the Kirk. As there had been very little diligence in this matter either by a similar commission appointed for the purpose in the last General Assembly, the special regulations for the new commissioners were minute and stringent. Twenty-nine commissioners in all were appointed, some of them singly, and others in pairs, for fifteen districts into which the country was divided for the purposes of the visitation. Mr. David Lindsay of Leith, the parliamentary bishop of Ross, was appointed alone for the district of Ross; Mr. George Gledstanes, the parliamentary bishop of Caithness, was conjoined with another for the visitation of Caithness and Sutherland; and Mr. Peter Blackburn, the parliamentary bishop of Aberdeen, was conjoined with another for the district of Moray. This feature in the distribution is noted by Mr. James Melville as a gain in this Assembly towards the King's design of a regular Diocesan Episcopacy. He speaks (*Continuation of Diary*, pp. 546–547) of that design as having been kept in view in the distribution, and observes that substantially, though under the guise of a mere commission of visitation, "thair wes thrie Bischopis put in possessioune of thair Bischoprickis."—In yet another matter brought before the Assembly there was a gain, on the whole, for Prelacy. A Report on "The Constant Platt," or best means for the permanent financial sustentation of the Church, having been given in by the Committee of Ministers and others entrusted with that intricate and long-discussed business, and this report having propounded three methods for consideration, the Assembly, though there was Presbyterian opposition on the subject, voted in favour of that method which favoured the tenure of the great prelacies and their main revenues by individual ministers. The details are too minute for explanation here, but may be studied in Calderwood, Melville, and Spotswood.—There was no renewed debate in the Assembly between Presbytery and Episcopacy theoretically. Even if the time for such theoretical debate had not now obviously gone by, the absence of some of the Presbyterian chiefs from the Assembly would have prevented the attempt. Mr. Andrew Melville had been virtually under ward since June 1601 (*ante*, p. 409 n.); Mr. Robert Bruce was still under disfavour, on account of his extreme scrupulosity as to the terms of the submission expected from him by the King in the matter of his belief in the Gowrie Conspiracy (*ante*, 289, n.); and Mr. John Davidson was in ward in Prestonpans (*ante*, p. 244, n.). The part of representing Presbytery in the Assembly had thus fallen mainly to Mr. James Melville; and it was only in such indirect ways as those mentioned above that he and his coadjutors could raise the vital question. The most direct approach to the question was over a certain paper of "grievances" given in to the Assembly from the Synod of Fife. Fourteen such "grievances" were enumerated, some of them relating to such matters as the relaxation of Presbyterian discipline over moral offences throughout the country, the toleration accorded to Roman Catholics and excommunicated persons, and the permission of mass in the house of the French Ambassador, but others of them relating specifically to the recent advances towards a Prelatic system. It was complained that the times appointed for the General Assemblies of the Kirk were not regularly kept, but were interfered with by the civil authorities; also, that ministers were called to answer before the Privy Council *in prima instantia* in matters of doctrine and discipline; also, that the government of the Kirk was more and more getting into the hands of a few persons, named Commissioners, to the prejudice of the regular Presbyteries, Synods, and Assemblies; also, that the Assembly had not yet taken due trial as to the observation, by the Commissioners of the Kirk and those chosen to vote for the Kirk in Parliament, of the *caveats* settled by the Kirk for preventing such permitted parliamentary representation of the Kirk from becoming a real or diocesan Episcopacy (*ante*, p. 94, n.). Over these "grievances" there was some discussion; but the "Answers" prepared by the Assembly were such as virtually to set them aside.—Among the matters brought before the Assembly was the case of Mr. Robert Bruce. Since the permitted return of this eminent Presbyterian clergyman from his exile (*ante*, p. 250, n.), he had been residing in different parts of Scotland on a kind of *parole* till he

Acta 1602-3. Page 29.

Herreis, provost of the said burgh, had released the said thief, and that therefore the said Master is answerable for him and ought to enter him before his Majesty.—The said Master, neither appearing nor having produced the said Edward, is to be denounced rebel.

John Haliburton and others against Allison Edmeston, for suspension of the horning against them.

Complaint by Johnne Halyburtoun in Nudrie, Johnne Crystie there, Johnne Patersoun in Ednem, and David Edmestoun there, as follows :— They have been put to the horn at the instance of Alisoun Edmestoun, relict of Archibald Edmestoun of Wolmet, for not answering to her complaint touching their alleged accompanying of Gawin Lindsay, son of the Laird of Covingtoun, in the "rapt and revischeing" of her upon 26th April 1600 (*ante*, p. 103); and the said Johnne Halyburtoun had been committed to ward in the tolbooth of Edinburgh for that horning. Now,

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the said horning has been wrongously executed, they having never been lawfully charged; and, as they had found caution, each in 300 merks, to answer this day, the said horning ought to be suspended.—Crystie, Patersoun and Edmestoun appearing personally, and Halyburtoun by Mr. James Bennet, minister at Libertoun, his ordinary pastor, who declares

could be induced to make such a profession of his belief in the Gowrie Conspiracy and of regret for his past scepticism on the subject as should reconcile the King to his restoration to his Edinburgh pastorship. There had been many communications between him and the King on the subject, and even two personal interviews (for accounts of which at great length see Calderwood), with the result that Mr. Bruce had put on paper a formal acknowledgment of his being assured now "of his Majesty's innocence, and of the guiltiness of the Earl of Gowrie and his brother, according as it is declared by the Act of Parliament." Trusting that this acknowledgment would be enough, Mr Bruce had come to Edinburgh at the time of the Assembly; and there was every expectation that he would be replaced at last in his Edinburgh charge after his two years and three months of suspension from it, when the King interposed by asking the Assembly to determine first whether Mr. Bruce ought not to be required to make public declaration from the pulpit of what he had set down in writing. The Assembly voted that this was reasonable, and that it was Mr. Bruce's duty to do what the King asked. Whether he would do so remained to be seen. The story of his hesitations on the subject, of his extreme punctiliousness as to the terms of his submission and confession of error, is not yet at an end.—Two of the more miscellaneous Acts of this General Assembly may be mentioned together. One ran as follows: "Considering that the conventiouns of people, speciallie on the Sabbath day, are verie rare in manie places, by reasoun of distractioun through labour not onlie in harvest and seed-time, but als everie Sabbath, by fishing both of white fish and salmond fish, and going of mylnes, the Assemblie dischargett and inhibitett all suche labour of fishing, als weill white fish and salmond fish, and going of mylnes of all sorts, upon the Sabbath day, under the paine of incurring the censures of the Kirk; and ordeanes the commissioners of this Assemblie to meane [complain of] the same to his Majestie, and to desire that a pecuniall paine might be injoyned upon the contraveeners." The other was an Act ordaining that Tuesday in every week should thenceforward be a day of ordinary preaching in all burghs, in remembrance that his Majesty's delivery from the Gowrie Conspiracy had been on a Tuesday, and that, in memory of the same deliverance, the 5th of August every year should be observed as a day of special preaching and thanksgiving throughout the whole land. Thus ecclesiastical authority was added at last to the Act of Parliament (*ante*, p. 257) establishing the 5th of August as a perpetual anniversary of thanksgiving in Scotland.—All in all, the effect of the proceedings of this General Assembly at Holyroodhouse in November 1602, the last held before the King's removal to England, was a quiet confirmation of his Kirk policy so far as he had revealed it, and of his claim of kingship over the Kirk as well as over the State. The last act of the King and the Assembly was to appoint the next Assembly to be held at Aberdeen on the last Tuesday of July 1604. This has to be remembered, in view of what happened when that time came.

that he is "visite with seiknes and unable to travell," but Alisoun not appearing, the Lords do suspend the said letters, excuse the absence of Halyburtoun, and ordain the four to find caution, each in 300 merks, to underlie the law for the said offence before the Justice upon 15 days' warning. Acta 1602-3.

Cunningham of Skelmorly against the Captain of Brodick and other Hamiltons for spuilyie in the Island of Arran.

Complaint by Robert Montgomerie of Skelmourlie and Marrarat Makmillane in North Sannokis in Arrane, his tenant, as follows:—"It is not unknawin to his Majestie be quhat meanis, travell, cair and panes the said Robert hes laitlie recoverit his house of Lochransy, quhilk wes violently surprisit and tane be sum brokin hieland men" of the Clan Allaster (*ante*, p. 303), or how, after the recovery thereof, he had hoped "not onlie to have levit peciablie himselff, bot alsua to have brocht his haill tennentis and servandis, dwelland upoun his landis of Lochrainsay within the ile of Arrane and schirefdome of Bute, undir some civill governament and obedience to his Majestie and his lawis,—lyke as, indeid, preasit be God, some experience of guid ordoure hes bene thir twa or thrie yeiris bigane ressonablie establischit, alswele upoun his pairt in putting his Heynes lawis to executioun as be thame in geving thair obedience thairunto." Upon 4th August last, however, Paull Hammiltoun, captain of Bradik, Alexander Hammiltoun of Corrie, Archibald, Alexander and George Hammiltonis, sons of the late Mr. Gawin Hammiltoun, Mathew Hammiltoun, son of the late Robert Hammiltoun, called of Torrence, all armed with hagbuts and pistolets, accompanied by certain other "brokin hieland men and vagaboundis," came to the said Robert's lands of North Sannokis, and not only violently took away with them Duncane M'Ellowey, servitor to Ewne M'Myllen in Glen, as prisoner to the castle of Bradik, where they kept him as captive three or four days, but also broke up the doors of the said Marramat's house, and spuilyied eight kye, six stones of wool, twenty ells of cloth, a grey horse, worth £40, a cow, worth £16, plaids, pans, and all her other plenishing, estimated at £40.—The pursuers appearing, but none of the defenders, the order is to denounce them rebels. Page 31. Page 32.

Suspension of letters of horning against John Fairlie for not rendering the house of Newbigging to the King's officer.

Complaint by Johnne Fairlie of Colmestoun, and Thomas Fairlie, his son, as follows:—"Upoun sinister informatioun" to his Majesty that their house of Newbigging "is ane frequent resset" to all rebels lying at the horn, pursuers had been charged to deliver the same to Patrik Leverance, officer, under pain of rebellion. Now, before any such charge, they ought to have been cited in order to hear the "said supposit narratioun" proven; but no such citation was made, and there has been no such trial or proof. The said house was assigned them by the late Johnne Wauchop, bailie of Nudrie, for certain sums of money; no rebels or malefactors have been resetted in it; and, if the contrary can be proved, they are willing not only to render the house, but to underlie the punishment due to the resetters of rebels. Moreover, they have found caution to deliver the said house, under pain of 500 merks, if, after trial, it be found that they ought to do so.—Charge had been given to Sir George Home of Spot, treasurer, Page 33.

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and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, to answer: and now, both parties appearing, the Lords, with consent of the Treasurer, suspend the said process.

Anent the Justice Courts for Berwickshire, Haddingtonshire, &c.

The justice court of the sheriffdom of Beruik, appointed to be held in the tolbooth of Edinburgh upon 20th November, having been continued till 25th instant, while the justice courts of the bailiary of Lawderdaill and constabulary of Hadingtoun are to be held upon the days already appointed,—the former upon 17th and the latter upon 23rd instant, —proclamation accordingly is ordered at the cross of Edinburgh.

Maitland of Auchingassle against Douglas of Drumlanrig for the unlawful execution of two of the pursuer's men: Decree of absolvitor.

Conform to the direction given to Sir James Dowglas of Drumlangrig to present this day Homer Maxwell, clerk of his court, together with the process of conviction led against the late Petir and Johnne Mullikenis, Johnne Maitland of Auchingassill's men, for the better clearing of Maitland's allegation that the said Laird of Drumlangrig "pat thame to the knawlege of ane assyse and causit execute thame to the deid efter that

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they wer acquitit and clengeit of the haill pointis of dittay gevin in aganis thame" (*ante*, p. 473), Sir James, appearing by James Howy, his procurator, now presents the said clerk and the said process. Whereupon, the said process having been considered, and the said Homer, as also Archibald Menzies of Enoch, chancellor of the assize, having been examined, the Lords assoilzie the defender, because the process bears that the said persons were convicted of the stealing of 13 sheep from Johnne M°Math, younger, and James Perker, elder, furth of Drumcrude in the barony of Enoch, and of the stealing of three sheep from Johnne Hunter furth of the lands of Ladywele in September 1593, "and for commoun thift, commoun resset of thift, infang and outfang, inputting and outputting fra land to land," and also because the Chancellor testifies that they "wer convict and fyllit" of the said crimes.

James Couper against the Laird of Mac-Intosh for reif alleged to have been committed by his men: Decree of absolvitor.

Complaint by James Couper in Innerbuchat that certane of Lauchlane M°Intosche of Dunachtane's men, six years ago, reft from him, out of the

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town of Drummale, eight oxen, six horses and mares, which were driven to the place of Ellanne and convoyed by the said Lauchlane's servants to his "awin inis," and that, although M°Intosche has often promised to make redress, he "yet wranguslie refuissis."—Both parties appearing, the Lords assoilzie the defender, because pursuer has failed in his proof.

Edinburgh, 18th November.

Sederunt—Cancellarius; Secretarius; Halyruidhouse; Kinloś; Advocate; Clericus Justiciarie; Collector; Tracquair; Elimosinar; Sir George Douglas.

Lord Herries deemed responsible for John Neilson, his man, who has escaped out of the pledge chamber in Dumfries.

Notwithstanding the decree given against Johnne Neilsoun, tailor, burgess of Drumfreis, ordering him to remain in ward in the pledge chamber of said burgh till he had satisfied Johnne (? Robert) Quhincerstanes for the "schamefull hurting and mutilatioun" of him (*ante*, p. 472), the said

Page 37.

Neilsoun has escaped furth of his ward without satisfying the said decree Now, "seing he is man and servand" to Lord Herreis, the said Lord is

bound to enter him.—Both parties appearing, but Neilsoun not having been entered, the Lords ordain Williame, Lord Herreis, to enter his said man in the tolbooth of Edinburgh by 10th December next, or to pay to Quhincherstanis the sum specified in the said decree. Acta 1602-3.

Holyrood-house, 23rd November.

Sederunt — PRESENTE REGE — Lennox; Chancellor; Linlythqw; Uchiltrie; Lord Elphingstoun; Fyvie; Master of Paislay; Ros; Dunkeld; Kinlos;[1] Halyruidhous; Secretary; Tracquair; Kilsyth; Sir James Sandielandis.

Modification of the pains in letters of lawburrows by Graham of Balgown against Murray of Tibbermure.

Action at the instance of Johnne Grahame of Balgowne, as follows:— He is charged by letters raised by Johnne Murray of Tippermure to find caution in 2000 merks for Murray's indemnity, under pain of horning. Now, even if Murray had just cause to charge complainer to find the said caution,—which he has not,—the pains of lawburrows for persons of complainer's rank and calling are modified by Acts of Parliament to 1000 merks, he being but "ane meane gentilman." Still, he has found caution as required; and therefore the said letters of horning should be suspended. —The pursuer appearing, but not the defender, the Lords do suspend the said letters, and modify the pain to 1000 merks. Page 38. Page 39.

Andrew Spalding against Lord Drummond for the entry of one of his men accused of reif.

Complaint by Andro Spalding of Eschintullie that, in August 159 , Robert M°Nab, Lord Drummond's man, with others, all sorners of clans, came at night to the pursuer's lands of Glenbeg and stole from him seven oxen, worth £20 each, two cows, worth 20 merks each, nine mares and "staigis," worth each.—Charge had been given to M°Nab to answer, and also to James, Commendator of Incheffray, as having command of Lord Drummond's men while he is abroad; and now, pursuer and defenders appearing, the Lords decern M°Nab to enter Donald M°Innes, whom he "allegeit to be his warrand for the saidis guidis," upon 2nd February next, or else by that day to satisfy pursuer for the goods. The Commendator becomes surety for M°Nab to this effect. Page 40.

To denounce Carruthers of Dormont and others for not answering to a charge of violence and oppression.

Complaint by Johnne Walker, Gilbert Hendirsoun, Gawin Walker, Thome Walker, all in Daltoun, Mathew Carrutheris in Middleran, and Johnne Carrutheris there, for themselves and the other parishioners of Mekle Datoun, against Cristie Carrutheris in Dormont, as follows:—The pursuers, having been heavily oppressed by the defender in the possession of the teind sheaves of the lands of Mekle Daltoun, had raised, upon 11th October last, letters of lawburrows against him, charging him to find caution for their indemnity. Carrutheris, disobeying the said charge, had been put to the horn, at which he remains as yet unrelaxed. Farther, the complainers had raised other letters of "double troublence" against him, "as pretending rycht to the saidis teind scheivis of the landis foirsaidis, on the ane pairt," and against Johnne Carrutheris of Holmendis, "as haveing rycht thairto, on the other pairt," charging them to produce before the King Page 41.

[1] "Kinlos" is not entered among the Councillors as recorded in the Book of Sederunts under this date (Fol. 38, b).

Acta 1602-3. and Council the rights by which they claim the said teinds, so that the party having no right might be discharged from troubling the pursuers. The said Cristie, however, has disobeyed this charge also, with full purpose, by the assistance of "uther brokin men of the cuntrey," to defend his unlawful possession of the said teinds. Thus, upon 3rd, 4th, and 5th instant, accompanied by Cristie and Frances, his sons, George Carrutheris, his brother, George Murray in Morquhat, Johnne Irwing in Beltennent, George Nicolsoun in Dormont, and Archie Johnnstoun in Greneheid, all armed with jacks, steelbonnets, swords, lances and other weapons, he came to the towns and lands of Meikle Daltoun, Dyk, Knox, Tewquhattis and Over Dormont, and, "be oppin reif and bangastrie, dang up the said complenairis barne duris, kaist doun thair haill coirne stalkis, caryit and away-tuke the same,"—whereby they are "alluterlie wraikit, being bot puir creaturis, unable to resist his violence."—The complainers
Page 42. appearing by Johnne Carrutheris of Holmendis, but none of the said defenders appearing, the order is to denounce them rebels.

Mr. Robert Hunter, minister of Sanquhar, against the Laird of Johnstone, as surety in an act of caution contravened.

Action at the instance of Mr. Robert Huntar, minister at Sanquhair, against Sir James Johnnstoun of Dunskellie and Johnne Chairteris of Amisfeild, as follows:—Upon 2nd November 1601, Johnnstoun was put to the horn for non-payment to the complainer of £50, as the value of three oxen and a cow, for which he was responsible as having become surety to the said minister for Johnne Litle at South Wodend, and Cristie Litle, his son; and, upon the same day, Chairteris had been put to the horn for non-payment to the complainer, as assignee to Johnne Huntar in Drumsynnach, of £100 for five horses and £24 for certain clothes and armour, for which he was responsible as surety for Alie Batie, Willie Betie of Davingtoun, Johnne Batie of Davingtoun, and Willie Batie, called Duchtie. Johnnstoun and Chairteris as yet remain at the horn unrelaxed, repairing to all places, even to the burgh of Edinburgh and
Page 43. palace of Halyruidhouse, as if they were his Majesty's free lieges.—Both parties appearing, the King and Council decern Johnnstoun to make payment to the pursuer of the said sum, which he promises to do,—protesting at the same time that he shall not be obliged for the like redress to the inhabitants of the town and lands of Sanquhair, who have complaints against him and his kin.

Laird of Dalzell ordered into ward for non-entry of his son Archibald, charged with certain crimes.

Archibald Dalzell, son of Robert Dalzell of that Ilk, having lately, with his accomplices, come at night to the part of the lands of Sauchtounhall belonging to Johnne Morriesoun, and reft from him certain kye and oxen, and having come since then to the dwelling-house of Nicoll Dalzell, his father-in-law, and most cruelly assaulted him, so that he is yet "lyand
Page 44. bedfast" in great hazard of his life, charge had been given to his said father, and to Robert Dalzell, younger of that Ilk, his brother, by whom he is at all times resetted, to enter him conform to the general band. And now, the said Robert, elder, appearing for himself and for the said Robert, younger, and producing a testimonial, subscribed by the bailies of the town of Saunquhair and elders thereof, certifying that the said Robert,

younger, is "heavelie diseasit with seiknes and unable to travell," the Lords excuse the absence of the said Robert, younger, but, as the said Archibald has not been entered by the said Robert, elder, his father, ordain said Robert, elder, to enter in ward in the Castle of Edinburgh. Acta 1602–3.

Holyrood-house, 24th November.

Sederunt—Chancellor; Uchiltrie; Dunkeld; Bishop of Ros; Halyruidhous; Collector; Tracquair.

Bishop of Caithness admitted of the Council.

"The quhilk day Maister Johnne [*sic*] Gledstanes, bischop of Caithnes, be his Majesteis directioun and command, being ressavit and admitit to be ane of his Majesteis Prevey Counsale, the said Maister George, being personalie present, gaif his oath *in communi forma*." [1] Page 45.

Holyrood-house, 25th November.

Sederunt—PRESENTE REGE—Huntley; Lynlythqu; Uchiltrie; Elphingstoun; Ros; Dunkeld; Caithnes; Halyruidhouse; Kinlos; Collector; Tracquair; Kilsyth.

Colquhoun of Luss against the Earl of Argyle, for proving that the defender is answerable for certain persons.

The 16th December next is assigned to Alexander Colhoun of Lus for proving that the persons underwritten are men of Archibald, Earl of Ergyll, dwelling upon his lands; and warning to this effect is given to the Laird of Lus, who is present, and to the said Earl, who appears by Mr. George Erskin, his procurator. The persons are—Allaster M°Gregour of Glenstra, Johnne Dow M°Gregour, his brother, Duncane Glen M°Gregour of Fawnan, Gregour M°Gregour, son of the said Duncane, Patrik M°Gregour, also his son, Allaster Galt M°Gregour in Culquhirrilan, Patrik and Duncane M°Gregouris, his sons, Patrik M°Gregour in Caddernoch, and his sons, Johnne Dow and Duncane, Duncane M°Otter Dow in the Otter, Gregour M°Ewin in Moirinche, Johnne Dow M°Ewne, his brother, Duncane M°Ewne, also his brother, Allaster M°Allaster Vreik, Gregour Ger M°Coull, Duncane Ger M°Gregour, his brother, Duncane M°Ewn, his brother, Callum M°Gregour Dow V°Culcheir, Neill Campbell of Drumsynnie, Neill M°Awla, household man to the said Neill Campbell, Johnne Cam M°Kewne V°Lachlane, Callum Cam M°Condochy Roy, Gillow Cam M°Inyeskar, servant to the said Neill Campbell, Dowgall Roy M°Gregour, vagabond, Allaster M°Conndochy M°Eane Dowy V°Gregour, household man to the Laird of M°Gregour, Neill M°Eane Duy V°Ewne, Duncane M°Ewne M°Illevoill, Donald M°Ewne, Johnne Dow Lean M°Phadrik V°Culcher, and Callun M°Neill Vane M°Gregour.

Order for proof before the Sheriff of Perth in the action of spuilyie at the instance of John Robertson against Menzies of Weem.

The 8th January next is assigned to Johnne Robertsoun in Wester Busbeis for proving before the Sheriff of Perth his complaint against Robert M°Condochy M°Allaster, the Laird of Weyme's man, touching his having come in 1595 to the lands of Wester Busbeis and stolen from the Page 46.

[1] This is the second admission of one of the parliamentary bishops into th Privy Council. The first had been that of Mr. David Lindsay, the Parliamentary Bishop of Ross, in Dec. 1600. See *ante*, p. 187; and see also footnotes, p. 165 and p. 187. None of the new Bishops appointed by the King in Oct. 1600 had yet been recognised by the title of "Bishop" in any of the assemblies of their clerical brethren.

Acta 1602-3. pursuer two oxen and a cow with calf, worth £16 each, thirty-two sheep (whereof twenty-two were milk ewes, worth 40s. each, and the rest were worth 30s. each), and two mares (which mares the said Robert had re-delivered to the pursuer for £6). Commission is given to the said Sheriff to examine witnesses and to report their depositions, closed, to the Secret Council. There is order also to charge the said Laird of Weyme, under pain of rebellion, to enter Donnald Leich, *alias* Campbell, William M'Gregour V'Gillichallum, David Larnach, *alias* Stewart, and Johne Keig M'Callum Glas, *alias* M'Gregour, his men, before the said Sheriff in the tolbooth of Perth upon said day, to bear witness in the said matter.—The pursuer, who appears personally, and the Laird of Weyme who appears by Johnne Menzies of Cultermains, his procurator, are warned hereof.

Page 47. On information "that the Sabboth day, quhilk be the lawis of God and be divers guid Actis of Parliament is commandit to be keipit holy, is nochtwithstanding verie fer prophanit and violat in the north pairtis of this realme be the awnairis and possessouris of the fischeingis upoun the watteris of Dee, Done, Dovirne, Spey, Finderne, and Nes, quha, without feir and reverence of God or regaird of his Majestie and his lawis and mony admonitionis fra tyme to tyme gevin to thame be thair pastouris and ministeris, useis a frequent and commoun fischeing within the saidis Watteris upoun the Sonday, not spairing and forbeiring the ordinair appointit tymes for publict preiching and prayeris,—quhairthrow as God is dishonnourit, his halie Sabbath prophanit, and the Kingis Majestie his authoritie and lawis contempnit and misregairdit, sua with that utheris prophane personis, be thair example, oursicht, and impunitie, takis occasioun to use all kynd of handy laboure upon the Sonday,"—the King and Council prohibit all the lieges, after publication hereof by open proclamation at the market crosses of the head burghs of the shires where the said fishings lie, to fish in the said Waters upon the Sabbath day, under pain of £40 *toties quoties*. The sheriffs of Abirdene, Banff and Elgin, and the provosts and bailies of the burghs of Abirdene, Banft and Elgin, are appointed justices, with power to summon before them the contraveners hereof within their bounds, and, after trial, to adjudge them in the said pains and to uplift the same.

Act for stopping violation of the Sabbath day by the owners of fishings on the Dee, Don, Deveron, Spey, Findhorn, and Ness.

Action by the provost and bailies of the city of Sanct Androis, as follows:—Andro Traill in Lambelethame, having been committed to ward
Page 48. within their tolbooth at the instance of Weymes of Lathokker, for non-payment to him of certain sums of money, broke his ward, and betook himself to Johnne Traill of Blebo, who knew perfectly that he was fugitive for the said cause. Now, as the complainers are prosecuted for the escape, and decree is likely to be given against them for the sum for which the said Andro had been warded, the said Laird of Blebo, his resetter, is bound to enter the said Andro.—The pursuers appearing by Duncane Balfoure, burgess of the said city, and the Laird of Blebo appear-
Page 49. ing personally, the Lords decern the said Laird to enter Andro before them, and assign 21st December next for said entry, with certification

Provost and bailies of St. Andrews against Trail of Blebo for the reset of a prisoner escaped out of their tolbooth.

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that if he fail he shall be decerned to satisfy the complainers for the sums of money for which Andro was warded. Acta 1602 3.

To denounce Lawrence and James Bisset for not answering to a charge of reif twelve years ago.

Complaint by Williame and Allaster Reidis in Murthlie that, twelve years ago, Lowrence and James Bissattis in Wester Kincairny reft from the late Patrik Reid in Wester Kincairny, father of the complainers, furth of his sheep cot there, a branded ox four-year old, worth £20, and that neither to their said father, who died in September 1600, nor to the complainers, has there been restitution of the same, or satisfaction for the profits, amounting to 40 merks yearly.—The defenders, not appearing, are to be denounced rebels.

Edinburgh, 26th November.

Protest by Mr. James Burdon, minister at Tullibardine.

Mr. James Burdon, minister at Tullibardin, appears and gives in a copy of the letters raised by Robert Symsoun, *alias* Glook, parson of Dipplyne, charging him to answer to a complaint made by Symsoun touching the said Mr. James's "resset of ane acquittance fra the said Robert, and reveing and be way of oppin oppressioun awaytaking, fra the said Robert, furth of the duelling-house of Agnes Grant in Perth, of the sowme of foure hundreth merkis, quhilkis wes tauld doun upoun hir buird, and keiping and useing of the said acquittance as ane auttentik write." —Symsoun not appearing, Burdon protests that he shall not be held to answer farther till again warned; and the Lords admit the protest. Page 50.

To denounce the Baron of Muling for not entering his tenant accused of reif.

The Baron of Muling, having neglected the charge (*ante*, p. 413) to appear this day and present Johnne Bell in Muling, his tenant, to answer a complaint by Williame Sprunt in Obeny, touching Bell's having come at night, twelve years ago, to the dwelling house of his late father, Robert Sprunt in Breco, in the lordship of Logyalmont, and reft the whole goods therein, worth £500, is to be denounced rebel. Page 51.

Jonet Mac-James against Alexander Boyd for reif.

Complaint by Jonet Makjames in Dilguse, that Alexander Boyd in Little Dunkeld came in Pasch last, with sundry others, to the bounds of Camgarrow in Strabrain and reft from her two young kye with calf, worth £20 each.—Both parties appearing, the Lords ordain Boyd to restore the said goods by 10th December next, under pain of 100 merks.

Holyrood-house, 29th November.

Proclamation anent the lodging of strangers in Edinburgh or suburbs.

Although his Majesty "hes bene verie cairfull in taking ordoure with reformatioun of the Bordour and punischeing of offendouris in the outmaist pairtis of this land," yet sundry insolent persons, "some his Majesteis rebellis and utheris gevin to thair awin particulair revengeis," for avoiding justice and furthering their own evil ends, "quyetlie drawis thameselffis neir unto his Majesteis persone within the towne of Edinburgh, Cannogait, and suburbis of the said burgh, quhair they ar privilie resset and keipit." There is order, therefore, to charge all and sundry within the burgh of Edinburgh, Cannogait, and suburbs, by open proclamation, not to reset or lodge any strangers without reporting nightly to the magistrates the names of all such, under pain of confiscation of all their moveables, punishment of their persons, and being held guilty of any crime that shall be committed by those they reset. Page 52.

Acta 1602–3.

Sederunt—Cancellarius; Fyvie; Elphingstoun; Uchiltrie; Treasurer; Secretary; Dunkeld; Ros; Caithnes; Halyruidhouse; Kinlos; Comptroller; Collector; Advocate; Tracquair; Sir James Sandielandis; Elimosinar; Conservator. Holyrood-house, 30th November.

John Acheson and other tenants of Inveresk against George MacIngiller for damage to their grass and corn.

Complaint by Johnne Achesoun, portioner, of Inueresk, Williame Foirman there, Williame Mersingtoun there, Johnne Dowglas there, James Duncane there, and Edward Mersingtoun, for themselves and the
Page 53. other tenants of the town of Inueresk, that, upon 20th September last, George M^cIngillair in , "be way of oppin bangastrie and oppressioun," came to the lands of Inueresk with a drove of nolt, to the number of six score, and through the rest of that month masterfully pastured them upon the hained grass and corns of the complainers. After the complainers had removed the said goods without using any poinding, as they might have done, "thinking that thair lenitie sould have bene ane meane to have movit him to desist," he had come back and persisted, "offering to entir in violence with the saidis complenaris in cais they resistit him." The complainers had then poinded one of his cattle, offering to restore it to him on his satisfaction for the said skaith; but he had refused the offer, and has raised "ane pretendit spuilyie" against them before the Lords of Council and Session.—The said Johnne Achesoun appearing for himself and the
Page 54. other pursuers, the defender, for not appearing, is to be denounced rebel.

John Easton against Gilbert Cameron for oppression.

Complaint by Johnne Eistoun, writer to the signet, as follows:—Disposition having been made by Marioun Murcheid, relict of Patrik Campbroun, of her liferent of a piece of land in Boithcoill to the late Alexander Gillone, fiar of Welhouse, and Margaret Cochrane, his spouse, the said Margaret, with consent of James Hamiltoun, now her spouse, had sold the said liferent to the complainer, who accordingly is in possession thereof. Upon 15th instant, however, Gilbert Campbroun, son and heir of the said Patrik, came to James Job, the complainer's tenant of the said piece of land, and, alleging himself to be heritable fiar of the same, menaced the said tenant, declaring that, if he yoked plough upon the said land, he would hough the plough-goods and burn his houses. On this account Job refuses to occupy the said lands.—The pursuer appearing, the said Gilbert, for not appearing, is to be denounced rebel.

Page 55.

Protest in favour of William Dawson and others, summoned to answer for assault and shooting.

Williame Dawsoun of Newtoun of Hemprigis appears for himself, and for James Dawsoun, his son, and Thomas Dowglas, his servant, and gives in a copy of letters raised by Williame Dumbar of Hemprigis, charging them to answer for having come, upon 20th May last at night, to the dwelling-place of Hemprigis armed with hagbuts and pistolets, and for "remaneing and abyding about the said place and yairdis thairof all that nycht, quhill the morne, that the said William Dumbar come furth of his said dwelling-house to refresche him as he usit of befoir, and thair umbeseting of him and persewing of him of his lyff, and hurting and wounding him in divers pairtis of his body, and schuiting and dilascheing

of hacquebutis and pistolletis at him," of purpose to slay him.—Dumbar not appearing, Dawsoun protests that he shall not be held to answer farther till again warned; and the Lords admit the protest. Acta 1602-3.

Protest in favour of George Munro and others, summoned to answer for fire-raising.

George Monro of Tarrell appears for himself and for Andro Monro of Newmoir, his father, Johnne Monro of Pitconochy, Johnne Monro, his son, Andro, Neill, Hector and Mr. David Monrois, his sons, James Suthirland, servitor to the Laird of Newmoir, George Monro, servitor to the Laird of Tarrell, George Monro of Knokschorting, Thomas Ros of Aldnaglerich, Donald Monro in Obstule, Robert Wauch, messenger, Johne Monro in Culcragy, Williame Monro in Obstule, Hucheoun Monro in Sancraig, Williame Williamsoun, servitor to the Laird of Tarrell, and gives in a copy of letters raised by Johnne Irwing of Kynnok, and Issobell Innes, his spouse, charging them to answer for having come, upon 19th August last, to the said Johnne Irwing's dwelling-house in the Chanonry of Ros, "and thair dinging up of the duris of the said house and raising of fyre within the same," so that he and his family would have been burnt if they had not rendered themselves.—Neither the said Irwing nor his spouse appearing, Monro protests that he and those he represents shall not be held to answer farther till again warned; and the Lords admit the protest. Page 56.

Sir Robert Danielston, Councillor.

Sir Robert Dennestoun of Monjoy, being admitted to be one of the Privy Council, gives his oath *in communi forma*.

Umphra Sinclair against Gordon of Strathdon for oppression and intimidation.

Complaint by Umphra Sinclair in Logyalmond, as follows:—Having obtained a decree in 1588 before the commissary of Dunkeld against Dame Agnes Sinclair, Lady Erroll, and Alexander Gordoun of Stradoun, now her spouse, decerning them to pay him £48, he had raised letters in all the four forms, charging them to make payment of the said sum. With the view, however, of frustrating complainer, Gordoun, accompanied by many of his own household men, had apprehended complainer in the highway, while he was coming from Couper in Angus to the place of Innernytie, carried him to Inchestuchill, and reft from him his hagbut, sword, gauntlet, and purse containing £20. They had detained him a long time, and threatened him so that, for fear of his life, he had been compelled to grant a discharge to them of the said decree and sum of money. When again at liberty, he had revoked this discharge in presence of the said Commissary, and directed Johnne Young, messenger, to intimate the former charges; whereupon defenders had hounded out Johne Gordoun, Mr. William Gordoun, Mr. Arthour Gordoun, and Johnne Bissat, who violently reft the said letters from the said Young.—Both parties appearing, the Lords decern Gordoun to pay pursuer the said sum, because pursuer has denied that he ever received payment, and because the defender has refused to give his oath of verity in the matter. Page 57. Page 58.

Decree against the Earl of Argyle for having contravened an act of caution anent the good

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—In , Archibald, Earl of Ergyle, as principal, and Sir James Scrymgeour of Dudop, constable of Dundie, Neill Montgomerie of Langschaw, James Seytoun of Tullybodie, and James Schaw of

Acta 1602-3. Page 59. Sauchy, as sureties for the said principal, became bound in 20,000 merks that he and those for whom he is answerable should observe good rule in the country and satisfy parties skaithed. Since then the Earl had obtained a commission of lieutenancy against the Clan Gregour, dated in March 1601, and still undischarged, empowering him to take surety of the Clan for their good behaviour in future. In accordance with this commission, he had convened before him at Striveling the Laird of M°Gregour and all the principals of the branches of that name, and thus, having them "all undir his power," either took or should have taken ample surety from them. Yet, though the said commission is in force, the said Clan Gregour "hes bene and ar als insolent and of als wicked and unhappie a dispositioun as they wer at ony tyme preceiding, and hes committit not onlie oppin and avowit heirschippis and depredationis upoun fair day licht upoun divers of his Heynes guid subjectis, as namelie upoun the Laird of Lus and Buchannane, bot alsua they commit daylie prevey stouthis and rubbereis in all pairtis quhair they may find the commoditie of thair pray." For example:—(1) In May 1596, Johnne Dow M°Allaster Galt, Page 60. Johnne Dow M°Ewne, Duncane, his brother, and Duncan , two sons, reft from Allaster M°Duff, in Tullieglis, nine oxen, worth 20 merks each, nine kye, worth 16 merks each, and four "weld horse," worth £20 each. (2) The following persons, the Earl's own men, dwelling upon his lands, have committed the following crimes: M°Condochy of Inuerraw reft from Johnne Young in Murthlie 6 oxen and 4 kye, worth £20 each, and 16 mares worth 40 merks each; in October 1595 Gresich Dow M°Gilliequhamull, servant to M°Condochy of Inuerraw, reft from Williame Sprunt in Obney and his late father, furth of the lands of Bracoth, in the lordship of Logyalmond, thirty kye, worth £20 each; same month and year, Allane Roy M°Ean Oyge reft from the said Williame and his father furth of the said lands eight score sheep, young and old, worth 4 merks each, six horses and mares worth £20 each, and the plenishing of their houses, worth £300; ten years ago, Duncane and Patrik Campbellis, sons of M°Condochy of Inuerraw, with others, reft from Cristeane Page 61. Moyll in Berriehill, and Allaster M°Duff, her spouse, furth of Gibnestoun, four oxen, worth £30, two horses, worth £80, six kye, worth £16 each, six mares, worth £20 each, with followers, worth 80 merks; in June six years ago, Ewne M°Culeur V°Conach in Argyle stole from Robert M°Duff in Balnacaird four horses, worth 80 merks each; in 1599 Donald M°Ean Duy V°Allaster stole from Malcolme M°Quene four horses, worth 80 merks; in 1599 Duncane Onill M°Ildonich stole from him out of his fold three great kye; in 1594 Allaster M°Ean Duy V°Allaster reft from Neill Stewart M°William three wild horses, worth 100 merks; in 1599 Allaster M°Ean Oig and his men, under Johnne Beg M°Inabrich, reft from David Craig out of his fold of Drumcharrie seven great kye and a bull, worth £140; upon 21st August last, Gillespik M°Ean Duy V°Allaster, Donald, Allane and Allaster, his brothers, with others, came to the lands of Leucharblair, belonging to Gairnetullie, broke up the doors of the poor

rule of his men, and for inefficient performance of his lieutenancy against the Clan Gregor.

tenants' houses, and spuilyied their whole plenishing and moveables. (3) Acta 1602–3, The persons following, viz. Allaster Galt M°Gregour, Duncane Glen M°Gregour, and Patrik M°Gregour, brothers or father-brothers of Allaster M°Gregour of Glenstra, and Cattanach M°Gregour in Lorne, are the said Earl's men, dwelling upon his proper lands; and, divers Page 62. complaints having been made against them, he and his said sureties should enter them before the King and Council. (4) Johnne Galt M°Gregour, a common and notorious thief, having been apprehended by the said Earl as his Majesty's lieutenant, the said Earl was required to enter him before the King and Council; but, although he made sundry promises to his Majesty to enter the said Johnne, yet he has not only failed to do so, "bot, to the forder contempt of his Heynes," has set him at liberty.—Charge had been given to the Earl and his sureties to appear themselves and to enter Page 63. the said malefactors to answer in the premisses. And now, the pursuers appearing, but none of the defenders, and none of the said malefactors having been entered, the King and Council decern the said principal and his sureties to have incurred the said pain of 20,000 merks, and ordain letters of horning to be directed for payment of the same to the Treasurer. They also ordain the said Earl to make redress to the said Allaster M°Duff, Johnne Young, Williame Sprunt, Cristeane Moyle, and her spouse, of the goods above specified reft from them as aforesaid, or else to make payment to them of the prices of the same.

Sir James Sandilands against Robin Elliot for spuilyie by one of his men

Robene Ellot in Reidheuch having been charged, as chief of the Ellots Page 64. in Liddisdaill, to enter this day Will Ellot of Fiddiltoun to answer to a complaint, and now appearing, but not having entered the said Will, and Sir James Sandielandis of Slammannane Mure also appearing, and alleging that the said Will had stolen from him two horses, worth £1000, the Lords decern Robene to pay the said sum to Sir James, who has declared by his great oath that the horses were worth that money.

Decree at the instance of John Fraser against the Earl of Argyle for great spuilyie committed by his men.

Complaint by Johne Fraser in Lochanis, tenant of Johnne, Earl of Mar, that, notwithstanding the act of caution by which Archibald, Earl of Ergyle, had become bound, with his sureties, in 20,000 merks, to redress Page 65. all skaiths committed by his men since 1st June 1592 (*ante*, p. 488), yet in October 1594 M°Condochy of Inuerraw, with his accomplices, all the said Earl's men, came to pursuer's roum and dwelling-house in Lochanis, "barbarouslie slew his wyff and his servandis," and reft from him three score and twelve kye and oxen, worth £20 each, eighteen horses and mares, worth £20 each, together with the whole plenishing of his house, estimated at 200 merks,—thus bringing him, once "ane honnest and substantious houshalder," to extreme poverty and misery.—The pursuer and the Earl both appearing, the King and Council Page 66. decern the Earl to restore to the pursuer four score kye and fourteen horses and mares, or else to pay him 20 merks for each of the kye and £20 for each horse and mare.

Holyrood-house, 1st

"Forsamekle as, albeit the Kingis Majestie hes evir had ane speciall cair and

Acta 1602–3.

intentioun to have repressit and abolischit sic detestable and unworthie crymes as, without example of ony uthir kingdome, wer frequent and commoun in this cuntrey, and be the quhilkis mony schamefull and cruell murthouris and slauchteris hes bene committit upoun innocent personis, yit sic is the perversitie and unhappie dispositioun of certane personis that now, without regaird of his Majestie and his authoritie, they have divisit and practized the prosequtioun of thair particulair revengeis be the pittart: quhilk detestable and unhappie practize being sa dishonnourable to his Majestie and his haill natioun, and carying with it sua dangerous and pernitious a preparative and example as na man of quhatsumevir rank and calling can assuir his awin saulftie and preservatioun within his awin houssis and irne yettis: His Majestie thairfore, with full advise and deliberatioun of his Counsale, hes resolved and concludit the punischement of this divilische and unhappie practize with all rigour and extremitie; and thairfore ordanis letters to be direct chargeing all and sindrie his Majesteis liegeis and subjectis quha hes ony of the saidis pittartis, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme, that they and everie ane of thame, within twenty dayis efter the publicatioun heirof at the mercat croce of the heid burgh of the schyre quhair they dwell, bring, present and deliver the same pittairtis before his Majestie and his Counsale, undir the pane of deid and confiscatioun of all thair movable guidis; certefeing thame in quhais handis or possessioun ony of the saidis pittartis salbe apprehendit or tryit efter the space foirsaid, that the saidis panes salbe execute upoun thame without favour or mercie. And siclyke to command, chairge, and inhibite all and sindrie his Majesteis leigis and subjectis, be oppin proclamatioun as said is, that nane of thame presume or tak upoun hand to use the saidis pittairtis, len, by, borrow, or bring hame ony of the saidis pittairtis, in tyme cuming, undir the panes abonewrittin, besydis the confiscatioun of the schippis and guidis quhairin the same salbe brocht haime; as alsua, to command and chairge all and sindrie craftismen within this realme that nane of thame tak upoun hand to mak or mend ony of the saidis pittartis undir the said pane of deid and confiscatioun of all thair movable guidis, to be execute upoun thame without mercy."

December. Proclamation against the using or making of petards.

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Sederunt—Cancellarius; Fyvie; Uchiltrie; Treasurer; Secretary; Ros; Dunkeld; Halyruidhous; Collector; Comptroller; Advocate; Clericus Registri: Tracquair; Justice-Clerk; Sir James Sandielandis.

Edinburgh, 2nd December

Action at the instance of Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, and of Arthoure Stratoun, writer, for his own interest, as follows:—Johnne Hendirsoun, younger of Fordell, Andro Logane of Coitfeild, Anthoun Murray, tenant of the said Johnne, and Mungo Hendirsoun, cordinar, burgess of Edinburgh, with others, having conceived deadly hatred against Stratoun,

Arthur Straton against John Henderson and others for destroying his growing corns: Decree of absolvitor.

Page 68.

came, upon 10th September last, all armed with swords, gauntlets, lances and other weapons, to the town and lands of Stratoun, and there, with their swords, knives, and other instruments, cut a rig of oats belonging to him, and ate and destroyed the said corns with their horses, nolt, and sheep,—"oppinlie avowing the said beistlie and unworthie deid."—The pursuer and defenders appearing, and the former passing from the pursuit of the Goodman of Coitfeild, the Lords assoilzie the other defenders, because the pursuer has failed in proof. Acta 1602-8. Page 69.

Charge to renew the assurances between the Maxwells and Johnstones.

The assurances passed between the undernamed parties being now almost expired, but the quarrel between them still standing, there is order to charge them to re-subscribe and deliver, within six days after charge, such forms of mutual assurance as shall be presented to them by the Clerk of Council, to endure till 1st January 1604: viz. Sir James Johnnstoun of Dunskellie on the one side, and, on the other side, Sir Robert Maxwell of Spottis, Edward Maxwell, elder of Tinwall, Williame Maxwell, apparent of Tinwall, Harbert, Edward, and Johnne Maxwellis, all sons of the said Laird of Tinwall, Johnne Maxwell of Kirkconnell, Johnne Maxwell of Conhaith, Maxwell, apparent of Conhaith, Maxwell, his brother, Edward Maxwell of the Hillis, Harbert Maxwell of Cavenis, Maxwell, apparent of Cavenis, George Maxwell of Drumcolterane, Alexander Maxwell of Balgreddane, Archibald Maxwell of Cowhill, James Maxwell of Portrak, Edward Maxwell, his brother, Homer Maxwell of Carnesallauch, Harbert Maxwell of Kirkmaho, Johnne Maxwell of Keltoun, Edward Maxwell of the Ile, Robert Maxwell of Dynwiddie, Robert Maxwell, apparent of Dinwiddie, Maxwell of Killilling, Thomas Maxwell of Logane, Alexander Maxwell of , Charlis Maxwell of Cavence, Williame Maxwell of Beltersane, Edward Maxwell of Trustane, Robert Maxwell of Fourmerkland, Herbert Maxwell of Craigis, Williame Maxwell of Kirkhouse, Williame Maxwell of Kilbeane, and Roriesoun of Bardannoch.

Charge for the renewal of the assurances between the Lindsays and Ogilvys.

Similar charge, for the same reason, to the Lindsays and the Ogilvys, with their adherents, as follows:—On the one side, to Alexander Lord of Spynie, Hary Lindsay of Kinfawnis, Sir Johnne Lindsay of Wodheid, David Lindsay, fiar of Edzell, Patrik Lindsay of Barneyardis, Thomas Lyell, fiar of Murthill, David Lindsay of Vayne, David Lindsay, fiar of Vayne, Sir Waltir Lindsay of Balgai, Johnne Lindsay of Balhall, David Lindsay, apparent of Kynnettlis, Alexander Lindsay of Kethik, Alexander Lindsay, apparent of Kethik, David Lindsay of Quarrelhill, Williame Foullartoun of Ardo, Robert Erskene of Ardestie, Williame Rynd of Kers, Johnne Rynd, apparent of Kers, Williame Stewart, brother of Johne, Earl of Athoill, Johnne Erskene of Carbuddow, Johnne Ramsay of Jordanstoun, and George Ramsay of Bamf; and, on the other side, to James, Lord Ogilvy of Airlie, James, Master of Ogilvy, Sir Johnne Ogilvy of Craig, Mr. David, Frances and George Ogilvys, sons of the said Lord Ogilvy, Sir Johnne Ogilvy of Innerquharitie, James Ogilvy of Balfoure, David Ogilvy, brother of Innerquharitie, David Ogilvy of Bannaboith, Page 70.

Acta 1602-3. Robert Lichtoun, son and apparent heir of Robert Lichtoun, fiar of Ulissane, Archibald Ogilvy of Kelour, Henry Futhy, fiar of Boysak,

Futhie of Guynd, Thomas Fothringhame of Powrie, Thomas Cullace of Pitforky, Johnne Lamb of Dunkeny, Patrik Ogilvy of Inchemertine, Johnne Stirling, fiar of Braky, James Ogilvy of Clova, James Ogilvy, fiar of Clova, and James Ogilvy of Athirach.

Edinburgh, 3rd December. Complaint by Elizabeth Douglas against Lord Cathcart for ejection and spuilyie.

Complaint by Elizabeth Dowglas, relict of George Mure at the Mill of Kilmannane, that Allane, Lord Cathcairt, had hounded out David
Page 71. Campbell in Ovirtoun, Johnne Campbell, now at the said Mill, Allane Rankene in Cairnestoun, Andro Gilmoure at the Kirk of Quhyttoun, Johnne Chalmeris, and Archibald Cauldwell in Clauchquharnane, with others, and, by their means, violently ejected her and her family furth of her lands of Clauchquharnane, of which she is kindly tenant, having yet divers years of her tack to run, and spuilyied her whole plenishing, demolished her house, and so "hes drevin the said complainer, quha wes sumtyme ane honnest and substantious houshalder, to utter wraik and miserie."—Both parties appearing, the Lords remit this matter to the judge competent thereto.

Holyrood-house, 7th December.

Sederunt—Lennox; Chancellor; Huntley; Mar; Fyvie; Uchiltrie; Elphingstoun; Treasurer; Secretary; Dunkeld; Ros; Kinlos;[1] Halyruidhouse; Collector; Comptroller; Advocate; Tracquair; Sir Patrik Murray; Sir George Dowglas.

The tacksmen of the customs against Thomas Blair and others, for obstructing and threatening their depute in the execution of his office: Decree for the defenders.

Action at the instance of Robert Arnot, Mr. Jerhome Lindsay, Archibald Prymrois, Barnard Lindsay, George Smailhome, and Mr. Robert Lindsay, tacksmen of his Majesty's customs, and Williame Davidsoun, burgess of Dundie, their depute customer in the burgh of Dundie, as follows:—On 13th July last, Thomas Blair, skipper in Dundie, having on board his ship,
Page 72. lying in the Road of Dundie, a chest packed with linen cloth uncustomed, the said depute caused his servant Arthour Neische to intromit with the said cloth, as escheat belonging to his Majesty; whereupon the said skipper, after "mony injurious wordis," violently reft from him the said cloth. Again, on 16th July, the said Davidsoun being in the burgh of Perth, the said Thomas Blair, accompanied by William Blair, merchant there, and David Blair in Scone, sought for him in the grass market to kill him, but, missing him there, went to the house of Archibald , where the said Williame "desyrit him, gif he wes ane guid fallow, to cum out and follow thame to the Inche, quhair they sould teiche him ane new forme of customeing of geir, and desyrit Williame Hay, quha wes in cumpany with the said Williame Davidsoune, ather to leafe his cumpany, utherwyse he sould find na guid be keiping of the same." Afterwards, the said three persons, learning that the said complainer was on his

1 "Kinlos" does not appear in the corresponding sederunt as recorded in the Book of Sederunts (Fol. 39, a).

way home to Dundie, "followit him alongis the burgh of Perth," of set purpose to bereave him of his life. If such conduct remain unpunished, the pursuers will get no man to serve them in any part of the country.—Robert Arnot and Archibald Prymrois appearing for themselves and the other pursuers, and the said William and David Blairis being also present, and excusing the absence of the said Thomas, in respect that he "wes presentlie at the saill," the Lords assoilzie the said William and David, because the complainers have failed in proof; and they excuse the non-compearance of Thomas. Acta 1602-3. Page 73.

To denounce Alexander Armstrong and a number of others for non-payment to Lord Maxwell of his maills, fermes, and duties.

Alexander Airmestrang of the Craig in Eskdaill, Sandie Batie in the Burnefute there, Johnne Airmestrang, called of Kyndmont, Niniane Airmestrang of Glenduning, called of Gingillis, Andro and Jok Airmestrangis, his brothers, Andro Airmestrang, called of Langholme, Rob Grahame in Brokhollis, Rob Airmestrang, called Cristie's Rob, Johnne Batie of Tanlawhill, Davie Batie, his brother, Alie Batie of Blakeske, Rowie Batie, his brother, Andro Scot in Reburne, Andro Batie in Vatscirbor, *alias* Stenie Home, Tome Litle, called Mekle Tome, there, Adie Irwing there, Tome Litle there, Adame Batie of the Yards, Johnne Airmestrang, called Wallis, Johnne Batie of Ronelburne, Cristie Batie of Bankheid, Johnne Batie of the Scoir, Archie Batie, his brother, Rowie Batie, son of Jamie Hewie Batie, George Airmestrang, called of Kynmonth, Cristie Airmestrang of the Neid, Johnne Airmestrang of Calfhill, Niniane Bell, called of the Toure, Watie Bell, his brother, Davie Bell, called Wattie's Davie, failing to appear as charged, to answer for their wilful refusal to pay to Johnne, Lord Maxwell, his maills, fermes and duties owing to him by them furth of the lordships of Eskdaill, Ewisdaill, Wauchopdaill and Annanderdaill, are to be denounced rebels. Page 74

Lord Home against Simon Armstrong and others for slaughter and reif: Commission to Lord Home for reprisals.

Action by Alexander, Lord Home, as follows:—Having received, by gift of his Majesty, the escheat of all goods whatsoever belonging to Hectoure Trumble of Barnehillis, who had been put to the horn, and also the liferent of all and sundry the said Hectoure's lands, he had obtained declarator thereupon in his favour by the Lords of Council and Session. He had thus been in peaceable possession of the uplifting and ingathering of the maills, fermes and duties of the said lands, till 15th November last, when Symond Airmestrang, laird of Quhithauch, Lans Airmestrang, his son, Archibald Armestrang, his son, Armestrangis, his sons, Johnne Forrester, his good-son, Archibald Ellot of Hill, Mark Ellot, his son, accompanied by divers other wicked persons, to the number of twenty, all armed with hagbuts, pistolets, lances and other weapons, came to his steading of Hall Roull at night, and, without pity or compassion, slew his shepherd, Johnne Wilsoun, where he was sleeping, "cutit af frome him his richt fute, woundit him in his heid and divers utheris woundis in his body," spuilyied all the pursuer's sheep, extending to twenty score old sheep, wedders and ewes, and "drave thame away with thame to the fit of Liddisdaill, callit Quhythauchis ground, quhair thay than devydit and pairtit the same."—Charge had been given to Page 75.

Acta 1602–3. Page 76.

Robert Scot of Hanyng and to the defenders foresaid to appear this day; and now, the pursuer appearing, but none of the defenders, the Lords give commisssion to Lord Home to pass to the bounds of the defenders and there take and apprehend the said sheep or as many of *their* sheep or other goods as will extend to the number foresaid, and no more.

John Ferguson against the Marquis of Huntly, as landlord of certain reivers.

Complaint by Johnne Fergusoun of Derneculych, as follows:—Allan M^c^Coneill Duy, chief of the Clan Chamroun, Allaster M^c^Allaster Camrone of Glenaves, Soirll Moir M^c^Coneill V^c^Allane Camrone, Malcome and Donald, his sons, had been ordained, by a decree of the Council and Session, to restore to complainer "sex score ten ky and oxin, with xxxv ky and oxin," stolen by them from him and his tenants furth of his lands of Derculych and Downikane within the bounds of Atholl, with divers horses, mares, and plenishing, extending to great values and quantities. For not satisfying the said decree they had been put to the horn, at which they still remain. Pursuer had complained to his Highness at the

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last Convention held at Perth, and the complaint had been then remitted to Sir Patrik Murray, that he might "travell" for redress with the Marquis of Huntley as the landlord of the said persons.—The pursuer and the Marquis appearing, the Lords find that the Marquis should enter the said rebels, and assign him 3rd May next for that purpose.

Edinburgh, 8th December. Contract between their Majesties and Beton of Criech regarding the heritable office of the keeping of the palace of Falkland and the kindly roume of the lands of Darnock.

Mr. Thomas Hammiltoun of Monkland, King's advocate, appears as procurator for the King and Queen, and also for Sir George Home of Spot, treasurer, Sir David Murray of Gospartie, comptroller, and for the Lords of the Privy Council subscribing; and there also compears Mr Henry Balfoure, advocate, as procurator for Mr. James Betoun of Creich, and David Betoun, his son and apparent heir. These procurators give in

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for registration a contract, of which the tenor follows:—At Falkland, 15th September 1602, it is agreed between James VI., King of Scots, and his dearest spouse, Anna, Queen of Scotland, with advice of the said Treasurer and Comptroller, and also of the Lords of Secret Council and Exchequer, on the one part, and the said Mr. James and David upon the other part, that, albeit Mr. James has been lawfully infeft in the heritable offices of the stewartry of Fyff and captaincy and keeping of the palace of Falkland, and albeit he and his predecessors have been kindly tenants to his Majesty and predecessors of the lands of Darnoch, lying in the stewartry of Fyff, past memory of man, yet, at command of his Majesty and for the causes following, he and his son oblige themselves to resign the foresaid heritable offices and all and whole the said lands in favour of his Highness; who therefore, with advice foresaid, promises to infeft and

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sease Mr. James in liferent, and David and his heirs male and assignees heritably in fee, in all and sundry the feu fermes, maills and duties of the said Mr. James's lands of Nether Bires, lying in the said stewartry and sheriffdom of Fyff, extending yearly to £6, four chalders victual,—viz. 40 bolls oats and 24 bolls bear,—and 12 capons, to be held of his Majesty in free blench, for payment of one penny at Whitsunday upon the said

lands, if it be asked only. Also, his Majesty, with advice foresaid, shall Acta 1602-3.
infeft and sease Mr. James in liferent, and David and his heirs male heritably in fee, in the said Mr. James's lands of Urquhartis, lying as above, together with the common pasturage used by Betoun and his predecessors upon the Lowmonthis of Falkland, as feuars of the King's proper lands of Urquhart, *pro rata*,—said lands to be held of his Majesty in feu ferme for the yearly payment of the feu fermes and duties contained in the old infeftments thereof, and said common pasturage for the sum of , payable at Whitsunday and Martinmas yearly in equal portions, in name of feu ferme. Farther, the King, with advice of his Treasurer and Comptroller, and of the treasurer of the late augmentations, shall give a new infeftment under the Great Seal to Mr. James in liferent, and to David and his heirs male and assignees heritably in fee, of the said Mr. James's whole lands and living, as well ward lands as feu lands and kirklands, all in one barony, with a tax of the ward and marriage of the heir, and shall freely discharge the composition of the said infeftment to Betoun and his said son. Moreover, it is agreed between the parties that, if at any time hereafter the King or Queen, or any of their successors, shall pursue or trouble Betoun or his heirs in the possession of the said lands or Page 80.
of the foresaid pasturage, then the resignation and renunciation shall be null, and he and they shall be reponed in their former place, kindness, and possession, and no farther. Also, if his Highness or his successors shall set the said lands of Darnoch to any person, he and they shall make the "first loif thairof" to Betoun and his heirs, setting the same to them as kindly tenants. Finally, his Majesty promises, *in verbo principis*, to cause this contract to be ratified in the next Parliament. Both parties have subscribed this contract,—written by Daniell Melvill, servitor to Page 81.
Adam Lawtie, writer in Edinburgh,—day and place foresaid, before Ludovik, Duke of Lennox, Johnne, Earl of Montrois, chancellor, Sir George Home of Spot, treasurer, Sir James Elphingstoun of Barnetoun, secretary, Sir Robert Melvill of Murdocairny, Mr. Johnne Prestoun of Fentounbarnis, collector, Mr. Thomas Hammiltoun of Drumcairne, advocate, and Mr. George Young. "Sic subscribitur: James R.; Anna R.; J. Betoun of Creich Betoun; Creich; S. G. Home, thesaurer; Comptroller; Jo. Prestoun."

Regulation as to the forms necessary to make commissions valid in future.

"The quhilk day, the Kingis Majestie and Lordis of his Heynes Secrete Counsale, for eschewing of all inconvenientis quhilkis heirefter may fall out be the executioun of commissioun to be purchest be ony pairteis in tyme comeing, and to the effect the saidis Lordis may knaw the effect and tennour of all sic commissionis as sall pas heirefter, the qualitie of the crymes and offenceis contenit thairintill, and the worthienes of the personis in quhais favour the same salbe exped, or quha salbe nominat justiceis and commissionairis thairintill, statutis and ordanis that na commissionis quhatsumevir, to be purchest be ony pairtie, salbe past and exped in tyme cuming, nor be valide and effectuall, quhill first the same commissionis be producit before the saidis Lordis sittand in Counsale, and be past, allowit and subscryvit be thame in Counsale, and that the Clerk of

Acta 1602-3. Counsale, be his subscriptioun upoun the bak of the saidis commissionis, testifie the same to have bene past in Counsale,—dischairgeing heirby the keipairis of the court register and signet of all passing or expeiding of ony commissionis throw the register and signet in tyme cuming bot sic as salbe ordourlie and lauchfullie past and subscryvit in forme and manner abonewrittin, and of thair officeis in that pairt."

Sederunt—Cancellarius; Mar; Fyvie; Paislay; Treasurer; Ros; Kinlos; Halyruidhous; Privy Seal; Advocate; Comptroller; Collector; Clericus Registri; Tracquair; Brintiland; Sir George Douglas; Sir Patrik Murray; M^c^Kanzie; Conservator. Edinburgh, 9th December.

Page 82. Kenneth M^c^Kanzie of Kintaill, appearing before the Lords of Secret Council and being admitted by the King's warrant to be one of the Privy Council, gives his oath *in communi forma.* MacKenzie of Kintail to be of the Council.

Complaint by George Halyburtoun, son of the late James Halyburtoun in Dirriltoun, and now in Cokilmyne, as follows:—He is ordained to be put to the horn at the instance of Dame Dorrathie Stewart, Countess of Gowrie, and Andro Ker of Faldounsyde, for not answering their complaint touching his coming, with certain others, to their links, armed with hagbuts and pistolets, shooting and slaying their cunings, destroying the corns of their tenants, violently taking and occupying the house of James Halyburtoun, and committing other oppressions. Now, the charge for the complainer's appearance never came to his knowledge; the said Lady and her husband, knowing him to be innocent, long ago agreed with him, and delivered to him the principal letters raised by them in this matter; and it is without their knowledge that some of his "unfreindis" Page 83. have raised the said letters again. Yet he had found caution in 300 merks to answer this day to the said complaint. Therefore, the said letters of horning should be suspended.—Charge had been given to the said Lady to answer; and now, the pursuer appearing, but not the defender, the Lords do suspend the letters. Suspension of letters of horning obtained against George Halyburton by the Countess of Gowrie and her husband.

Complaint by James Dumbar of Little Sudy, Archibald Falconer in Fairmylne, Robert Gellane (? Gollane) in Rosmerkie, and Robert Dumbar, son of George Dumbar of Avach:—They are decerned to be put to the horn for not answering a complaint by Mr. George Monro, chancellor of Ros, and Donald Thornetoun in the Chanonry of Ros, touching their assault upon the said chancellor, Mr. George, his son, Margaret Levingstoun, his spouse, and Alexander Gray, his servant, and for their Page 84. ravishing of Jonet Thornetoun, daughter of the said Donald (*ante*, p. 411). Now, as the complainers were never lawfully charged to answer, and did not know of the charge, and as they have found caution, each in £100, to answer, the letters of horning should be suspended.—All the pursuers, except Robert Gellane, appearing, and the defenders also appearing, the Lords do suspend the said letters, and ordain the said James Dumbar to Page 85. find caution in 500 merks, and Archibald Falconer and Robert Dumbar, Suspension of horning obtained against James Dunbar and others at the instance of Mr George Munro and Donald Thornton.

either in 300 merks, to answer before the Justice for the alleged crimes; and farther, in respect of the non-compearance of Robert Gellane, find the act whereby Johnne Dumbar, fiar of Avach, became surety in £100 for his compearance, to be contravened, and therefore decern the said surety to have incurred the said pain. The Lords assign 17th May next to George Dumbar of Avach for the entry of Jonet Thornetoun, and in the meantime continue the letters of suspension obtained by him against her father, Donald Thornetoun, and the said Chancellor of Ros. Acta 1602-3.

Protest in favour of William Ross, burgess of Nairn.

Mr. James Grant, as procurator for Williame Ros, burgess of Narne, gives in a copy of letters raised by Johnne Tulloch, burgess there, charging Ros to answer for "certane injurious speitcheis" against Tulloch while he was administering justice in a cause pursued by William M°Kewny, smith, against the said Ros, and, in respect that Tulloch does not appear, protests that Ros shall not be held to answer farther till again warned. The Lords admit the protest. Page 86.

Edinburgh, 10th December. Caution for James and John Dunbar.

Caution by Keneuth M°Kanzie of Kintaill for James Dumbar of Little Sudy, and Johnne Dumbar, fiar of Avach, in 200 merks each, that by 1st February next they shall obtain relaxation from the following hornings used against them at the instance of Mr. George Monro, chancellor of Ros, all dated 13th November last: viz. (1) horning for non-payment of £40 contained in a protest obtained by him against them; (2) horning against the said James for not paying to the chancellor £40, with £10 of expenses and 40s. of consigned silver; (3) horning against the said James for not paying to the chancellor £40, conform to a protest obtained against him; (4) horning against both for not paying to him £40, conform to a protest obtained thereupon; (5) horning against the said James for not paying to the chancellor £40 of expenses and £5 paid by him to the collector of the Lords of Council and Session. Page 87.

Holyrood-house, 14th December.

Sederunt—Lennox; Chancellor; Elphingstoun; Fyvie; Treasurer; Ros; Kinlos; Halyruidhouse; Comptroller; Advocate; Collector; Sir George Dowglas; M°Kanzie; Bruntiland; Conservator; Elimosinar.

Andrew Lockhart against Thomas Foullis and Robert Jowsie, craving payment of their debt to him.

Supplication by Andro Lokhart, setting forth "in quhat miserable estate and conditioun of povirtie the said complenair standis throw the lang want of that onlie thing he had to leave on, quhilk wes put in the handis of Robert Jowsie and Thomas Foullis, and of the payment quhairof he hes bene and is frustrat be the supercedereis purchest and grantit in thair favour, quhairby the said complenair hes bene and is forcit continewallie to impesche his Majestie thir sex yeiris bigane with his continewall complaintis and awaiting on, being redactit thairby to that miserie that nather hes he ony moyane quhairupoun to sustene himselff, his wyff and aucht bairnis, being ane aigit gentilman, descendit and a broder of ane honnourable house."—Complainer appearing, but neither of the defenders, the Page 88.

Acta 1602-3. Lords, considering that the first supersedere obtained by the defenders had been granted to them with consent of the Three Estates, that the same was renewed to them since by the said Lords, and that there are only a few months of their present supersedere to expire, find that they cannot discharge the said supersedere, but promise that no new supersedere shall be granted to them in prejudice of the complainer in time coming.

Act in favour of the Commendator of Kinloss anent his licence to import and sell forbidden goods.

Supplication by Mr. Edward Bruce, commendator of Kinlos, setting forth that, albeit his Majesty granted him and his factors licence to import a certain quantity of English cloth and other prohibited goods, and to sell the same within this realm, yet Williame, Commendator of Pittinweyme, having lately obtained from his Highness a gift of the escheat of all such goods, intends, in virtue of the said gift, which he has published at the market cross of Edinburgh, to confiscate the wares and merchandise to be
Page 89. imported by the complainer.—The King and Council declare that the said gift to the Commendator of Pittinweyme shall not be prejudicial to the privilege granted to the Commendator of Kinlos.

Holyrood-house, 16th December.

Sederunt—PRESENTE REGE—Lennox; Cancellarius; Mar; Uchiltrie; Elphingstoun; Secretary; Ros; Kinlos; Dunkeld; Halyruid-house; Collector; Advocate; Bruntiland; M°Kanzie; Elimosinar.

Treasurer and Advocate against Cheyne of Esslemount, for violence and oppression committed on Leslie of Balquhain.

Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—Upon 28th August last, Patrik Cheyne of Essilmonth, accompanied by George Gordoun, son of Robert Gordoun of Saphok, Patrik Cheyne, brother of Johnne Cheyne, sometime of Crowie, and certain others, to the number of sixteen persons, all armed with jacks, steelbonnets, swords, gauntlets, lances, hagbuts, and pistolets, came at night to the dwelling place of Johnne Leslie of Balquhane, called the Fynes, and there, "as mad men and overtane with drink, raid throw his haill coirnis of the said towne of Fynes, and eitt and distroyit the same with thair horse feit, and turnit
Page 90. and raid about the said place on all pairtis, dilaschet and schote the saidis hacquebuttis and pistollettis in at the windois and yet of the said place, and persewit the said Johnnes servandis of thair lyveis; lykeas they reft, spuilyeit and away tuke ane fyne horse furth of the saidis landis, pertening to the said Johnne Leslie: sua that, be thair uproir and malicious dailling, Erskene, spous to the said Johnne, taking feir and dredour of the said tumult, and not being weill in hir helth, bot grite with bairne, they not onlie gaif hir occasioun to have pairtit with the samyn, bot also to have tane sic displeasour quhairof scho mycht nevir haif convalescheit." —Charge had been given to the said Patrik Cheyne to answer; and now, the pursuers appearing by Mr. Williame Broun, their procurator, the order is to denounce the said Cheyne for non-compearance.

Sir William Stewart, Commendator of Pittenweem,

Complaint by Sir Williame Stewart, commendator of Pittinweyme, as follows:—While employed "for the advancement of his Heynes kinglie adois" in Denmark in 1588, 1589, and 1590, he was moved, "for furniss-

against Jacob Barron for exacting from him "ane untollerable" profit of usury.

ing baith to himselff and certane utheris of his cumpany for the honnourable dischairge of his negotiatioun," to borrow great sums of money, and also to take on credit from Robert Jowsie, merchant, burgess of Edinburgh, certain wares, as silks and velvets, to the value of 3600 merks. Jowsie, owing the like sum to Jacob Barroun, merchant, burgess of Edinburgh, had desired the complainer to become cautioner to Barroun for the said sum; and so, on 28th January 1595, he as principal, with Thomas Foullis and the said Robert as sureties for him, became bound to pay to Barroun £2500 between that date and 24th May 1596, together with £200 as liquidate expenses. No payment having been made to Barroun at the term foresaid, complainer had been forced to cause Alexander Lawder of Haltoun, Robert Halket of Pitfirren, and Williame Kirkaldie of Grang, to grant to Barroun and Bessie Lowrie, his spouse, a new obligation for 6600 merks,—although complainer was really indebted to them for "allenerlie" the £2500 foresaid,—with provision that, if 5600 merks were paid within a few days of the term at which the 6600 merks were due, then Barroun and his spouse would accept the 5600 merks in full payment, and that, if Barroun and spouse should use charges against the foresaid persons for payment of the said whole sum of 6600 merks, they should pay, for so doing, £20 of liquidate expenses *toties quoties*, as the said letters obligatory, dated 1599, at more length proport. It will be seen that, by these two obligations, the original sum of 3600 merks has, within three years, been swelled by added penalties and annuals, never conditioned in any of the bands, to 5600 merks, whereas, "geving that annuellis sould be payit for merchandice, quhilk nevir heirtofore hes bene usit without speciall provisioun," the legal rate of "ten for the hundreth," established by Act of Parliament and practice of this realm, would have swelled the said sum in the said period, adding annual interest to the principal, only to 4580 merks. Notwithstanding, Barroun "be maist extraordinair and extreame rigorous forme of dealing,—adding penalties to principallis and annualrentis for principallis and penalteis, everie ane eikit to ane uther,"—has extended the debt of £2500 to 6600 merks, for which he has compelled the complainer and his cautioners to pay annual interest, as will be verified by his own acquittance. It is represented that this is a "maist uncouth forme of lurking oppressioun, exceiding fer the enormitie of ony usurair, how extraordinair evir the samyn can be."—Both parties appearing, the Lords remit the matter to the proper judge for decision.

Acta 1602-3. Page 91. Page 92. Page 93.

George Robertson and others against the Marquis of Huntly, and the Lairds of Glengarry and Macgregor, on account of a great spuilyie and slaughter by the Clan Chattan and

Complaint by George Robertsoun of Straloch, Andro Spalding of Eschintallie, Lauchlane Ferquharson of Bruochdarg, Johnne Rattray of , Waltir Rattray of Borland, Coline Campbell in Glenylay, Archibald Campbell of Persie, Johnne Ogilvy of Freuch, and the other good subjects in Strathardie and Glensche, as follows:—Upon 4th August last Alexander M^{c}Rannald of Gargavach, Donald and Ronnald M^{c}Ronnaldis, his brothers, Johnne Dow M^{c}Ronnald, Allane and Angus M^{c}Ronnaldis, his sons, Allaster M^{c}Eane V^{c}Innes, Johnne, Angus, Donald and Ronnald,

Acta 1602-3.

his sons, with others, to the number of 200 persons, all thieves and sorners of the Clan Chattane and Clan Gregour, and all Donald M°Angus of Glengarry's men, armed with bows, habershons, hagbuts and pistolets, came to Glenyla and there reft all the goods within the said bounds, consisting of 2700 nolt, 100 horses and mares, with the plenishing of the country: whereupon, the "effray being rissin in the cuntrey," the complainers, in obedience to the laws and Acts of Parliament anent rising at affrays and following of thieves, "convenit thameselfis togidder, sa mony as they could mak on a suddone, and followit the saidis thevis and lymmairis, of purpois and intentioun to have relevit the geir and to have apprehendit and presentit the offendouris to justice. And, sa mony of the saidis compleneris as wer convenit for the tyme haveing enterit with the saidis thevis, they maist crewellie and unmercifullie set upoun the saidis complenairis and invadit and persewit thame of thair lyveis, slew the nowmer of fyftene or sextene speciall gentilmen of the cuntrey, hurt and woundit to the deid a grite nowmer of uther personis; and, becaus they could not guidlie get the saidis guidis caryit away with thame, thay maist barbarouslie and crewellie hochit, slew and gorrit the maist pairt of the saidis guidis, to the grite hurte and prejudice of the commoun wele." Now, George, Marquis of Huntley, and Lauchlane M°Intosche of Dunnauchtane, ought to enter the offenders, because they are their men and dwell upon their lands.—Charge had been given to the Marquis to appear himself and enter his said men, as also to the said Donald M°Angus of Glengarrie and to Allaster M°Gregour of Glenstra,—many thieves and broken men of whose Clan were present by his direction at the said deed,—to appear and answer; and now, Andro Spalding of Eschintullie appearing for himself and the other pursuers, but none of the defenders appearing, and the said malefactors not having been entered, the order is to denounce Huntley, Glengarry, and Glenstra rebels. The letters of horning are, however, to be superseded till Candlemass next, that the King and Council "may yit understand quhat diligence the said Marques will do," in the entry of the said Allaster by that time, towards redress to the complainers.

the Clan Gregor in Glenisla in August last.

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Complaint by Waltir Curroure of Inchedroure, as follows:—He and his men dwelling in the barony of Netherduill, and upon his own lands of Langhauch and Torrireauch, lying in the parish of Abbirchirden and shire of Banff, "hes bene this lang tyme bigane, and is yit, maist havelie oppresst" by Johnne Gordoun of Avachie, Johnne Gordoun, his son and apparent heir, Adam Gordoun, also his son, and others underwritten, as the following examples will show:—(1) In September 1598, Johnne Gordon, elder, and John Gordoun, younger, with Gilbert Ratie at the mill of Nethirduill, William Baxter, "cobber of Nethirduill," Williame Harper in Chapeltoun of Nethirduill, Robert Gordoun, George Achannachie, Thomas Durwaird, George Gordoun, Cruikschank in , Ryrie M°Fersane, Alexander Carkrie, cook, Adame Alexander, Johnne Walker, James Anten, in Corstoun, Alexander George, William George, in Chapel-

Walter Curror of Inchdrower against John Gordon of Avachy, John Gordon, younger, and others, for systematic and long-continued oppression, of which instances are enumerated: The defenders to be denounced for non-appearance.

toun, servants to the said Johnne and Adame Gordonis, came, all armed Acta 1602-3.
with hagbuts and pistolets, to the lands of Windiege belonging then to the complainer and the late Cristeane Guthrie, his spouse, in liferent, and there apprehended James Harper, his tenant, and compelled him to pay them the whole maills and duties of the said lands, and urged him to serve them with "harrage and carrage" and such other service as he was in use to do to the pursuer; and not only did they intromit with the maills and duties of the said lands during that year, but they continued the like oppression during 1598, 1599, and till after Whitsunday 1600. (2) In March 1598, the complainer having sent Thomas Wilsoun, his Page 96.
servant, as officer for summoning the said Johnne Gordon, elder, and John Gordon, younger, and the late Margaret Gordoun, Lady Nethirduill, they hounded out Robert Gordoun, their servant, who slew the said officer, "being ane auld gentilman," and took away the horse on which he rode, belonging to the complainer, with the saddle, bridle and other furniture,—at the same time assaulting the said officer's witnesses, Johnne Schand and Ewin Barroun. (3) Towards the end of March 1598, the said Robert Gordoun, hounded out as aforesaid, assaulted Thomas Norie, servant to the complainer, between the stilts of the plough, and wounded him in divers parts of his body to the hazard of his life. (4) In August 1599, the said Robert waylaid Thomas Merschell, the complainer's servant, in the high way, wounded him, and reft from him his purse and certain letters which he was carrying to the complainer. (5) Andro Mar (Mair), the complainer's servant, having, in September 1599, at the instance of the complainer and his said spouse, summoned Johnne Gordoun, elder, and John Gordoun, younger, and Margaret Gordoun, they and others at their command assaulted him and reft from him his horse, plaid and bonnet, at the same time striking Andro Barclet (Basclet) and Robert Mair, witnesses to the said officer, with clubs and batons, and reiving from Barclet his sword. (6) The said Robert, hounded out as aforesaid, came Page 97
to the lands of Waidrig (Windiedge) in January 1599, and cast down to the ground the house of Alexander Mathie, the complainer's tenant, out-putting himself, his wife and family, "sua that, it being at this same tyme ane grite storme of snow and the puir folkis haveing na uther dwelling to resorte to, [they] had almaist died for cauld." (7) In April 1600, Johnne Gordoun, elder, and John Gordoun, younger, with their servants, came to the complainer's fishings on the water of Doverne and broke his salmon coble in pieces, so that his fishing lay waste that year. (8) Upon 10th September 1600, Johnne Gordoun, elder, and John Gordoun, younger, sent out Adam Gordoun, otherwise called Lang Adam, and Thomas Dorvaird, their household servants, with others, to the lands of Langhauch belonging to complainer, and reft from Johnne Bagray and Chairlis Finlater, his servants there, two horses, worth £50 each. (9) In June 1601, Johnne Gordoun, younger, on horseback, with others, came to complainer's lands of Langhauch, assaulted Chairlis Findlater, his tenant, with a baton, "gaif him mony bauch straikis, and overrane him with his

Acta 1602-3. horse and trampit him undir his horse feit." (10) In 1601, the said Johnne Gordon's wife and sundry of her servants broke down the outer gate of the complainer's house of Mylhill, with the "lintellis and
Page 98. cheikis thairof," pursued and apprehended George Currour, his servant, taking from him his belt, purse and whinger. (11) In September 1601, Thomas Dorvarne (Dorwair) and Johnne Moir, household servants to Johnne Gordoun, younger, came at night to the house of Williame Chalmer in Windiege in Netherduill, then the complainer's servant, broke down his pantry door, "skaillit" his meal "athort the flure," assaulted himself with batons, and "tirrit the said house and left na guid thairin." (12) Upon 3rd March 1602, Stewart, spouse of said Johnne Gordoun, younger of Achannachie, with her servants, came to the husband town of Nethirduill and there reft the "teynd yearne" of the said lands from the tenants of the same lands, which belonged then, and still belong, to the complainer; they also came to the dwelling house of Johnne Clerk, complainer's servant in complainer's lands of Knokorth (Knokrecoh), "brak doun his fyre (foir) house dure, rave af the lok and bandis thairof," and took the same with them. (13) On 11th July last, Johnne Gordoun, younger, and his servants, armed with hagbuts and pistolets, came to the husband town of Netherduill and "compellit the tennentis thairof with thair horssis to [go to] Birstoun, quhair he causit thame leid his peittis and fewall to his awin dwelling house, and strak and dang thame and thair servandis, and, in dispyte of the said complenair, of quhome they had takis of the saidis landis, held thair horse ane lang space thair-
Page 99. efter." (14) Upon 15th July last, the said Johnne Gordoun, meeting Williame Chalmer, complainer's servant, on the highway, reft from him his plaid [and bonnet], and, because he would not give the same willingly, assaulted him with a baton; and, at the same time, Gordoun, with his friends, armed with hagbuts and pistolets, came to the town of Nethirduill, then belonging to the complainer, and reft six horses and mares from the poor tenants, because they would not leave the said lands, whereof they had tacks, waste in the complainer's hands. (15) Upon 24th July last, the said Johnne, with his accomplices, came to the Chapeltoun of Netherduill and "rave doun the wester inner chalmer of the same, with the lofting, jeistis, duris and windois thairof," and compelled the complainer's tenants of Netherduill to carry the said timber to his own dwelling house of Toirstoun (Coulsoun). (16) Upon 27th July last, said Johnne, and David (Adam) Gordoun, his brother, with others, came to the mill of Netherduill, belonging to the complainer and his said spouse, and to the dwelling house of Gilbert Retie, miller there, his man, broke up his doors and reft his "hewing aix, eich, and utheris his worklumes," menacing the poor man with hagbuts and pistolets if he resisted. (17) On the same day, said Adame Gordoun, son of Johnne, elder, came to the part of the town of Langhauch occupied by the late Johnne Bagrai, then the complainer's tenant, and, finding a horse of his tethered upon his own tack and mailling, cut the tether in three or four pieces and reft the "said

horsis brankis, [rynner and sweill] thairof," driving the horse into his corn, because he would not leave the complainer's lands waste. (18) Upon 30th July, the said persons came to the lands of Chapeltoun and "rave doun twa couple of biging of the said toun," and forced the tenants of the said lands to carry the same upon their horses to the said house of Torstoun (Corstoun). (19) In September last, the said Adame Gordoun, son of Johnne Gordoun, elder, with his accomplices, came to the dwelling house of Alexander Walker, one of the tenants of the husband town of Nethirduill, who had newly built his threshing barn there, and was hoping "as ane puir labourair of the ground to have wyn his leving undir Godis peace and his Majesteis," and demolished to the ground the walls thereof, cut the whole timber, and then "pat the same altogidder in ane fyre." (20) In the same month, Johnne Gordoun, younger, and Adam, his brother, with others, came to the said Gilbert (Robert) Retie and to the mill of Netherduill, then belonging to the complainer and his said spouse, and there held hagbuts, pistolets, swords and daggers to the miller's face and breast, till, in obedience to their commands, he had cut down with an axe "ane grite fork" that held up the said mill, so that the mill might fall, and then compelled him to swear to carry the said fork on his own back to Toirstoun (Corstoun); and, at that same time, they sent Lang Adame Gordoun and five or six others, all armed with hagbuts and pistolets, to the husband town of Netherduill, and broke up the poor tenants' doors, chests and girnels, and reft from them their whole victuals, leaving them "na guid in the airth,"—the said late Cristeane Guthrie, the complainer's spouse, "being than lyand bedfast, heavelie diseasit, and heiring sic uncouth oppressionis and barbarous proceidingis, quhairby scho oftymes soundit almaist to the death." (21) Eight days later, Johnne Gordoun, elder, Johnne Gordoun, younger, and Adam Gordoun, son of Johnne Gordoun, elder, sent the said Lang Adam of new, and certain others, to the husband town of Netherduill to "rype" again the poor tenants' houses; and they reft their butter, cheese, meal, malt, and all that they had: "sa that, as of before, the said complenairis umquhill spous, being then lyand in hir disease, consavit sic ane extreame hairtbrek and displesour that scho nevir recoverit hir helth, bot within fyve or sex dayis thairefter scho depairtit this present lyff, and before all the people quha wer then present protestit that the saidis personis oppressionis and barbarous proceidingis, commitit upoun hir and hir housband, thair tennentis and servandis, wes the onlie caus of hir death, and, thus geving hir body and saull to the Lord, incontinent thairefter depairtit this lyff." (22) Upon 18th (21st) September, Johnne Gordoun, younger, and Adame, his brother, hounded out Lang Adam, their household servant, who apprehended the servants of the whole tenants of Netherduill while they were coming to the complainer's Mains of Mylhill to shear his corn, according to their promise, and violently beat them back, taking from them their hooks and plaids and wounding a number of those who refused to go back, so that complainer's corns remained

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Acta 1602–3. unshorn till he hired other shearers. (23) Upon 21st September last, while the complainer was in the town of Inuernes, intending to accompany the King's lieutenant to the Lewis, conform to his Majesty's proclamation, Johnne Gordoun, younger, and Adam Gordoun, his brother, with Lang Adame and Alexander Dempster, household servants to
Page 102. Johnne Gordoun, elder, and others to the number of 15 or 16 persons, all armed with hagbuts and pistolets, surprised the complainer's house of Mulhill, removed his servants and family furth thereof, and intromitted with all his plenishing, writs, arms, corns, cattle and goods in the said town. (24) Three or four days afterwards, when George Currour, complainer's servant, who had been directed by him before the taking of the said place to Sir Robert Melvill "concerning sum of his awin effairis," had returned to the same house "lyppyning that nane uther bot the said complenar had bene thairin," the said persons apprehended him, reft from him all his writs, assaulted him, and made him swear that he had no other letters than those which they had taken from him. (25) Johnne Gordoun, younger, and his accomplices who occupy the said house, uptake and intromit with the whole maills, fermes and duties of the said lands and of the rest of complainer's lands abovewritten, and, moreover, have set their spies to watch complainer, "to the intent they may ather bereve him
Page 103. of his lyff, or then to tak him and put him in sic obscure pairtis of the cuntrey unaccessible to ony personis," and there detain him till he subscribe such unlawful bands as they please to present to him, so that, for fear of his life, he is compelled to retire out of the country and to leave his lands and roumes to the said persons.—Charge had been given to Johnne Gordoun of Avach and all his said accomplices to answer this day; and now, none of them appearing, while the pursuer appears personally, the order is to denounce them rebels.

Sederunt—Cancellarius; Elphingstoun; Fyvie; Spynie; Thesaurarius; Secretarius; Episcopus Rossensis; Halyruidhouse; Kinlos; Comptroller; Collector; Advocate; Justice Clerk; Privy Seal; Sir Thomas Erskein; Sir Robert Melven, younger; Sir George Dowglas; Sir Robert Dennestoun, conservator; Elimosinar. Edinburgh, 21st December.

Page 104. "Forasmekle as the Kingis Majestie, his Nobilitie, Counsale and Estaittis convenit at Falkland in the moneth of August, the yeir of God j_m v^c lxxxxix yeiris, perceaving the grite hurt and inconvenient quhilk his Majesteis leigis sustenit be the falsiefeing and counterfuting of certane writtis and evidentis quhilkis wer concealed and keipit up be the forgearis and counterfutairis of the same quhill, be the deceis of witnessis and uthirwayis, the ordinairie meanis of improbatioun of the same writtis wes removed, his Majestie and the saidis Estaittis, for eschewing of sic lyke fraude and dissait in tyme cuming, be ane speciall Act of that Conventioun [*ante*, p. 173], quhilk wes thairefter ratifeit in the Parliament haldin Measures for enforcing the Act of Parliament ordaining sasines to be recorded in the particular register appointed in each shire for the purpose.

at Edinburgh in the moneth of November j[m] and vi[c] yeiris, statute and ordanit that ane register sould be appointit in everie province of this realme quhairin certane evidentis, letters and writtis particularlie specifeit in the saidis Actis sould be registrat within fourty dayes efter the making and perfyting of the same, quhairthrow all pairteis haveing interesse mycht get knawlege and inspectioun of the same,—utherwyse the saidis evidentis, letters and writtis be the same Actis wer declairit to mak na faith, bot to be null, as the saidis Actis at mair lenth beiris [Acts of Parl. 1600, c. 36, iv. p. 237]. And, albeit the said Act wes verie consideratlie and for guid caussis aggreit unto be the Estaittis, yit divers personis,—pairtlie of intentioun to foster and interteny the said fraud, utheris of ignorance not undirstanding the danger of the said Act, and some of negligence and in misregaird of the law,—conceillis, abstractis and keipis up thair saidis evidentis and writtis, and nawyse presentis the same to the said register; quhairthrow the formair abuse, fraude and dissait is lyke to be intertenyit, to the grite hurt and prejudice of his Heynes guid subjectis, without remeid be providit. For remeid quhairof in tyme cuming, his Majestie, with avise of the Lordis of his Secrete Counsale, ordanis letters to be direct to officeairis of armes, schireffis in that pairt, chairgeing thame to pas, command and chairge all and sindrie notairis within this realme, be oppin proclamatioun at the mercat croceis of the burrowis and townis quhair they dwell, that they and everie ane of thame quarterlie, viz. upoun the first day of Januair, the first day of Aprile, the first day of Julii, the first day of October, yeirlie, present and exhibite to the secretairis depute-keipair of the said register, everie ane within thair awin boundis, ane just cathologe and scroll of sic writtis, evidentis and letters formed be thame and perfyted betuix the pairteis as, be the said Act, ar appointit to be registrat, and that the said cathologe beir and contene the haill substance and date of the saidis letters and writtis, undir the pane of deprivatioun of the saidis notairis, with certificatioun to the saidis notairis that failyeis, or conceillis and omittis ony of the saidis letters and writtis furth of the said cathologe and scroll, that the saidis notairis salbe depryvit and sall nevir be capable of that office thairefter. And siclyke, to command and chairge all and sindrie personis in quhais favouris the saidis letters and writtis ar consavit to present the same to thair ordinair register appointit to thame as said is, and that they louse the same fra the keipair of the said register within fourty dayes nixt efter thay be chairgit thairto, undir the pane of rebellioun."

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Alexander Dunbar of Lochhill against Alexander Dunbar of Thornhill for using firearms and for wrongous imprisonment.

Complaint by Alexander Dumbar of Lochhill that Alexander Dumbar, son of the Goodman of Thornehill, has not only these divers months borne hagbuts and pistolets, but has pursued the complainer, his sons, brothers, and servants therewith in the high way, as well in the burgh of Forres as out of the same; and that, in February last, he waylaid James Dumbar, brother of the complainer, apprehended him, and, as if he had been a malefactor, committed him to prison, wherein he was detained a certain time.—The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

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Acta 1602-3. Page 107-14. Repetition of the twenty-five heads or articles of indictment by Waltir Currour of Inchedroure against Johnne Gordoun, elder of Avachie, Johnne Gordoun, his son and apparent heir, and their accomplices (*ante*, p. 501–5.).—As the said Johnne Gordoun, elder, Alexander Dempster and Adam Gordoun, called Lang Adam, are men of George, Marquis of Huntley, and as Johnne Gordoun, younger of Avachie, is man of Johnne, Lord Saltoun, the said masters and landlords had been charged to produce the defaulters; and now, the pursuer appearing, the Marquis of Huntley is to be denounced rebel for neither appearing nor having produced his said men, while Saltoun, appearing by his procurator, is assoilzied.

Again in the case of Walter Currour of Inchdrower against the Gordons of Avachy: The Marquis of Huntly to be denounced for not producing some of the said Gordons.

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Complaint by Alexander Colquhoun of Lus, as follows:—Upon 5th March 1574 [?1594: see vol. v. p. 736], Archibald, Earl of Ergyle, as principal, and James Seytoun of Tullibodie, James Schaw of Sauchy, Sir James Scrymgeoure of Dudop, and Neill Montgomerie of Langschaw, as sureties for him, became bound that he and his men should be answerable to justice, under the pain of £20,000; and, upon 3rd March 1601, the said Earl had accepted from his Majesty a commission of lieutenancy over the Clan Gregour for making them obedient to the laws and for redressing of complainers (*ante*, p. 215). Yet, upon 4th June last, the said commission being still in force, Allaster M^{c}Gregour of Glenstra, Johnne Dow M^{c}Gregour, his brother, Duncane Glen M^{c}Gregour of Fawnan, Gregour M^{c}Gregour, son of the said Duncane, there, Patrik M^{c}Gregour, also his son, Allaster Galt M^{c}Gregour in , Patrik and Duncane M^{c}Gregouris, his sons, Patrik M^{c}Gregour in Caddernoch, and his sons , Duncane M^{c}Chotter Duy in the Otter, George M^{c}Ewne in Moirinche, Johnne Dow M^{c}Ewne, his brother, Duncane M^{c}Ewne, also his brother, Allester M^{c}Allaster Vrik, George Ger M^{c}Coull, Duncane Ger M^{c}Gregour, his brother, Callum M^{c}Gregour Dow V^{c}Olcher (V^{c}Culchear), Neill Campbell of Drumsynie at Lochgoilischeid, Neill M^{c}Aula, household man to the said Neill Campbell, Johnne Cam M^{c}Ewre V^{c}Lachlane, Callum Cam M^{c}Condoquhy Roy, Gillinewcam M^{c}Inyeskar, servants to the said Neill Campbell, Dowgall Roy M^{c}Gregour, vagabond, Allaster M^{c}Condoquhy M^{c}Eane Duy V^{c}Gregour, household man to the Laird of M^{c}Gregour, Neill M^{c}Eanduy V^{c}Ewne, Duncane M^{c}Ewne M^{c}Illevoill, Donald M^{c}Ewne, Johne Dow Lean M^{c}Phadrik V^{c}Colcher, and M^{c}Neill Vane M^{c}Gregour, came, in fair day light, to the pursuer's lands and reft the goods following:—viz. from Rob Moir M^{c}Wattie in Glenmulchen, 44 great kye; from Patrik Dow M^{c}Wattie in Dunimunge, 32 great kye; from Parlane M^{c}Ewne Moir in Glenmolochen, 26 kye; from Duncane M^{c}Arthour M^{c}Inturnour in Edintagart, 2 kye; from M^{c}Eanvoy, 2 great kye; from Niniane Williamsoun in Glenmolochen, 30 great kye. There have been divers other great reifs and herships by the same Clan since upon the complainer; and the said Earl, as the King's lieutenant, and as having the "haill race of Clan Gregour under his obedience and commandiement," is answerable for them.

Colquhoun of Luss against the Earl of Argyle for the entry of certain reivers alleged to be his men.

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Page 117. —Charge had been given to the Earl, and to James Seytoun of Tullibodie and James Schaw of Sauchy, as his sureties, to appear and present the

said malefactors; and now, the pursuer appearing personally, and the Earl and his cautioners by Mr. George Erskene, their procurator, and both parties having been heard, together with the depositions of certain witnesses produced by the pursuer for proving the said Allaster M^cGregour of Glenstra, Johnne Dow M^cGregour, his brother, Duncane Glen M^cGregour, and their said accomplices, to be the Earl of Ergyle's men, the Lords, considering these depositions, and also a letter from the Earl to the Laird of Buchannane, find it clearly proved that the said Duncan Glen M^cGregour and Neill Campbell of Drumsynnie are the Earl's men, and therefore assign him 15th February next for their entry, conform to the said act of caution, and assoilzie him and his cautioners from the entry of the other persons above complained of. Acta 1602-3. Page 118. Page 119.

Andrew Spalding against the Lord of Spynie.

Complaint by Andro Spalding of Eschintullie:—Although, upon 1st November last, Alexander, Lord of Spynie, had been denounced rebel for non-payment to him of 1000 merks, the said Lord still remains at the horn, comes frequently within the palace of Halyruidhous, and gives his presence at Council; all which is very "uncomelie" in a Councillor.—Both parties appearing, the Lord of Spynie is ordained to have himself relaxed from the horn within eight days, or to enter in ward in the castle of Edinburgh. Page 120.

In the matter of the magistrates of St. Andrews and a prisoner who has escaped from their tolbooth.

Charge had been given to Johnne Traill of Blebo to enter this day, for the relief of the provost and bailies of Sanct Androis, Andro Traill in Lambelethame, who had escaped from their tolbooth, where he was warded at the instance of James Weymes of Lathokar (*ante*, p. 485); and now, Duncane Balfour appearing for the magistrates, and the Laird of Blebo appearing and presenting the said Andro Traill, but Balfour refusing to take delivery of him, in respect he had "na company heir to mak the said Androis convoy to the said waird," the Lords ordain Andro to be warded in the tolbooth of Edinburgh for eight days, that the said magistrates may send for him and convoy him to his ward in the tolbooth of Sanct Androis, modifying the sum of 6s. 8d. to be paid to Andro by the magistrates daily for his expenses while he remains in the tolbooth of Edinburgh, with 2s. daily for the jailer's fee.

Edinburgh, 23rd December.

Sederunt—Cancellarius; Fyvie; Spynie; Secretary; Ros; Dunkeld; Halyruidhouse; Comptroller; Justice Clerk; Advocate; Clericus Registri; Killsyth; Elimosinar; Conservator. Page 121.

Jean Guthrie against John Stirling for reiving certain corns and other goods.

Action by Jeane Guthrie, relict of Mr. James Wischart of Rynd, and James and Andro, his sons, as follows:—Having set part of the lands of Rynd, lying in the parish of Inuerkelour and shire of Forfair, to Alexander Fettes, their tenant, for the yearly payment of the "thrie stouk of the haill cornis that growis on the saidis landis," they were, upon 10th and 11th October last, leading the said stooks for their own behoof, "according to thair formar use and possessioun," when Johnne Stirling of Brexis, accompanied by a great number of men, with horses and carts, came at night and not only reft the third stook of the whole corns, estimated at 16

Acta 1602-3. threaves, but also entered violently into the first complainer's dwelling house, reft the most part of her plenishing and goods, and away-led all the remaining corns, belonging to the tenants of the said lands, which she had lawfully arrested for certain maills, fermes and duties owing by them to
Page 122. her.—Both parties appearing, the Lords remit the matter to the Lords of Council and Session.

New proclamation for bringing all the gold and silver coins current to the cunyiehouse in order to be re-struck, and against circulating the decried money.

Notwithstanding the Act of the Convention of Estates at Perth in September 1601 ordaining all the gold and silver coins, domestic and foreign, to be brought to the cunyiehouse by 1st January last, to be "strickin and imprentit in certane new spacies," and discharging the currency of all pieces except the new coins after that day, under the pain
Page 123. of escheat of the forbidden coins, besides £100 from the giver out and receiver of the same, but permitting the decried money to be brought after that day to the cunyiehouse as bullion at prices specified (*ante*, p. 285,) yet the said decried money is not brought in to the cunyiehouse, but is "publictlie and avowedlie usit in exchange ouer all the pairtis of this realme and the pryces thairof reasit and hichtit at the appetyt of the gevar out and ressaveair; lyke as some personis hes tane upoun thame the exchangeing of the said gould and silver, undir cullour to bring the same in to the cunyiehouse, to the grite hinder of his Majesteis service and foistering and intertenyng of the confusioun and disordoure in the estate of the cunyie." There is order therefore to the officers of arms to charge the lieges, by open proclamation at the market crosses of the head burghs, under the said pains and further personal punishment, not to receive or give out any of the said decried money, and in special not to exchange the said gold and silver under any colour or pretence, but to bring the same wholly to the cunyiehouse. There is also order to charge the
Page 124. magistrates of burghs, sheriffs, stewards, and others who have the "libertie and privelege of ony merkattis and fairis to landwart," to appoint persons on the ordinary market days to "searche and try quhair they may find ony of the said decryit money wisselling or payand ony debtis or blokis," and to notify the names of contraveners to his Majesty and his treasurer. The officers of arms are also to inhibit all the lieges from exporting any gold or silver, under the pains in the Acts of Parliament made thereanent.

Holyrood-house, 28th December.

Sederunt—Cancellarius; Elphingstoun; Uchiltrie; Fyvie; Newbotle; Spynie; Dunkeld; Ros; Blantyre; Halyruidhouse; Kinlos; Treasurer; Secretary; Comptroller; Collector; Justice Clerk; Advocatus; Tracquair; Kilsyth; Elimosinar.

To denounce William Hardy for breaking his ward in the tolbooth of St. Andrews.

Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hamiltoun of Bynnie, King's advocate, that, in November last, William Hardie, tenant of the Mylnetoun of Lewcharis, having been committed to ward in the tolbooth of Sanct Androis by the provost and bailies thereof, at the instance of sundry of his creditors within the said city, had "thifteously convoyit himself furth thairof at ane heich windo," and so

broken the King's ward.—The pursuers appearing, the defender, for not appearing, is to be denounced rebel. Acta 1602-3. Page 125.

Customers-depute of the Clyde against the tacksmen of the customs, for deduction of dues in respect of the prevalence of the plague in Glasgow last year.

Complaint by Mr. Johnne Ros and William Stirling, customers depute of the Water of Clyde, as follows:—They have been lately charged by the tacksman of his Majesty's customs to pay them last year's duty for the customs of the said Water, under pain of rebellion. Now, in the complainers' tack of the said customs, it is provided that they shall be free of the said custom "in caice weir or plage intervene during the tyme of thair tak"; and true it is that the city of Glasgow, the principal place on the Clyde for exporting and importing goods paying custom, was a long time visited with the "plage of pestilence," and "na treffick nor handling wes usit or intertenyit thair at that tyme, quhilk wes the special seasoun of the yeir quhen wairis payand custome wer brocht in to the said burgh and transportit thairfra." Therefore, "the said citie being inclosit and all trafficking and handling sissing," the said duty ought to be deducted in the interest of the complainers.—Ros appearing for himself and for Stirling, and Archibald Prymrois for himself and in name of the other tacksmen, the Lords ordain the said tacksmen to deduct for the complainers 300 merks in last year's duty for the customs of the Clyde, in consideration of the loss during the said time of the plague. Page 126.

Holyrood-house, 30th December.

Sederunt—PRESENTE REGE—Chancellor; Uchiltrie; Elphingstoun; Fyvie; Neubottle; Blantyre; Kinlos; Halyruidhouse; Treasurer; Comptroller; Advocate; Tracquair; Sir Thomas Erskin; Sir Robert Melvill, younger; Conservator; Elimosinar.

Act against reset of any of the Earl of Gowrie's brothers, and forbidding persons of the name of Ruthven, even after having changed their surname, to come within ten miles of the King's presence.

"Forsamekle as, upoun the occasioun of that traterous attempt perpetrated aganis the persone and lyff of the Kingis Majestie be the umquhill Erll of Gowrie and his brother upoun the fyft day of August j^{m} and vi^{c} yeiris, his Majestie thocht verie convenient and necessar for the preservatioun and saulftie of his Heynes persone (upoun the securetie quhairof the secure and quyet estate of this his kingdome and of all the gude and weill disposit subjectis thairin doeth haillelie depend) that nane beiring that surname and knawin dependairis of that house, that sa oft had utterit thair malicious haitrent alswele aganis the persone of his Majestie as of his Heynes maist noble progenitouris, sould repair or have acces within ten myllis of his Heynes persone; and for that effect his Majestie first be publict proclamatioun gaif strait ordoure thairin, as in the said proclamatioun at mair lenth is contenit, and thairefter the same inhibitioun wes renewit and confermit be Act of Parliament in the moneth of November j^{m} vi^{c} yeiris [Acts of Parl., iv. pp. 192-213]. Yit, nochtwithstanding thairof, in regaird of ane uther Act of the same Parliament,—quhairby it wes ordanit, in respect of the odiousnes of the cryme and for the gritair exemplair punischement in all tyme cuming, that all his Heynes leigeis beiring the surname of Ruthven sould, betuix and the particulair tyme prescryvit be the said Act, tak to thameselffis Page 127.

Acta 1602-3. and to thair particulair fameleis ane uther surname, undir the pane of thair perpetuall banischement that obeyit not the same ordinance betuix and the prefixt day foirsaid,—divers of that name tuik occasioun and libertie to thameselffis to repair and hant alswele to ony publict places of the cuntrey for doing of thair lefull effairis quhair his Majesteis residence wald oftymes chance to be for the tyme as to his Heynes awin presence, persuading thameselffis that thair obedience to the said Act, in changeing of thair surenames, did utterlie translait thame sa fer frome being ony langer of that race as thair frie haunting to the paliceis of his Heynes residence and presence could na langer be impute as ony cryme to thame or contraventioun of the said Act, albeit it be of veritie that the changeing of thair surename wes onlie ordanit for ane exemplair detestatioun to all posteriteis of that vyld fact, as is alreddy said, and not for ony sure pruiff or argument that thairupoun could be groundit of the change of thair effectionis frome that traterous and unhappie race; lyke as his Majestie hes oft and divers wayis bene surelie informit that sindrie wicked and evill disposed personis, not answerable to the lawis and ordinair course of justice, ceissis not to practize for procureing the heasard of his Majesteis persone and disturbance of his royall estate upoun the pretext of assisting and rasing up agane that traterous house and posteritie. His Majestie thairfore hes thocht guid be thir presentis to command, charge and inhibite all his Heynes gude subjectis, according to that tendir and faderlie cair that his Majestie hes evir had of thame, that nane of thame presume nor tak upoun hand to resset, supplie nor intercommoun with ony of the said sometyme Erllis brethir in cais they or ony of thame sal happin to come prevelie within the boundis of this haill kingdome at ony tyme heirefter, bot that, upoun the first knawlege that ony of his Majesteis guid subjectis sall have of thair comeing within ony pairt of this realme, that they presentlie and indelaitlie mak his Majestie acquentit thairwith, undir the pane to be comptit giltie and accessorie to the cryme of tressoun and lesemajestie for the quhilk that house wes justlie forfalted, and to be persewit and punist thairfore with all rigour and extremitie, to the terroure of utheris. And ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at the
Page 128. mercat croces of the heid burrowis of this realme, quhairthrow nane pretend ignorance of the same; and thairwithall, to command, charge and inhibite lykewyse all and sindrie personis quha before buir the surename foirsaid, that nane of thame, upoun the formair allegeit excuise of changeing of thair names, presume to hant and repair to his Heynes presence, or within ten myllis to his Majesteis residence, without his Heynes speciall licence had and obtenit to that effect, undir the panes contenit in the formair Actis and proclamationis maid thairanent, to be seveirlie execute upoun thame without favour."[1]

[1] At the time of the death of John, Earl of Gowrie, and his brother Mr. Alexander Ruthven, at Perth, in the affair of the Gowrie Conspiracy of Aug. 5, 1600, two younger brothers of theirs, William Ruthven and Patrick Ruthven, were residing with their

William Wyllie, writer, against William Elliot for non-payment of a penalty incurred by him as cautioner.

Action by Sir George Home of Spot, treasurer, and William Wylie, writer, for his interest, as follows:—William Ellot of Fallinesche had been put to the horn upon 20th November 1590 for non-payment to Wylie, as donator to his Majesty, of £60,—to wit for Will Ellot in Dodburne, £20, and for Archie Ellot, and Sym Ellot, his brother, £20 each,—wherein he had become caution for these persons in respect of a great stouth committed by them at the Echellis, and for which they had become at his Majesty's will in a justice court held in the tolbooth of Jedburgh upon 20th January 1586. The said horning against Ellot of Fallinesche had been registered in the sheriff books of Roxburgh, and he still remains unrelaxed therefrom.—Wyllie appearing, but not the Acta 1602-3.

mother at Dirleton in Haddingtonshire, one of the seats of the Gowrie family. On the arrival of the news of the fatal event at Perth, a party of horse was sent from Edinburgh for their apprehension; but, having been warned just in time, they had escaped. By the 10th of August they and their tutor were safe on English ground at Berwick. Sir John Carey, the English governor of that town, writing on that day to Sir Robert Cecil, says: "They are this day come into Berwick closely, in disguised apparel; and, being brought to me, they only desire that their lives may be safe, and that they may have a little oversight here till the truth of their cause may be known. And the pitiful case of the old distressed good Countess hath made me, the willinglier, to give my consent to their stay here a while, till I may, by your honourable means, know the Queen's Majesty's pleasure" (Letter quoted in the account of the Gowrie Conspiracy in Pitcairn's *Criminal Trials in Scotland*, ii. 316). From subsequent letters of Carey's it appears that the two boys and their tutor were kept in Berwick till September, when they were sent on to Durham, meaning to go thence either to Cambridge, that they might study at the University there, or to the Continent. They seem to have remained in England ever since; and several mentions of them in the English correspondence of the years 1601 and 1602 shew that King James was still anxious to get hold of them if possible, and complained of the protection afforded them by Queen Elizabeth (*Calendar of English State Papers relating to Scotland*, pp. 799, 806, 817, 818). At the date of the present Act of Council the two brothers had been joined in England by their sister, Beatrix Ruthven, who had been one of the Scottish Queen's attendants, and a great favourite with her, but had been dismissed at the time of the family catastrophe. There are several mentions of her, as well as of the brothers, in the above correspondence.—Besides these two boys, their unmarried sister Beatrix, and the widowed and bereaved Countess-Dowager of Gowrie, the mother of the family, there were a good many other Ruthvens, or relatives of the Ruthvens, scattered through Scottish society at the time of the catastrophe, and more or less involved in its consequences. The family of the Countess-Dowager, at the beginning of her widowhood in 1584, had consisted of five sons and seven daughters. The eldest son, James, the second Earl of Gowrie, had died young in 1588, leaving the Earldom to John, as the third Earl; after the tragical fate of whom, and of his next brother Alexander, only the above-named William and Patrick remained of the male line. The marriages of some of the sisters, however, had already distributed Ruthven associations, if not the Ruthven name, into other connexions. All the seven, the above named Beatrix included, were married eventually; but the dates in the peerage books are too defective to show which of the seven were married before the family catastrophe, or indeed how many of them remained alive at that time. The marriages of the three eldest were notable enough. Margaret Ruthven, the eldest of all, was the wife of John Graham, Master of Montrose, the son of the Chancellor, and his successor in the Earldom of Montrose, and so became the mother of the great Marquis of Montrose. Mary Ruthven, the second, had married John Stewart, fifth Earl of Atholl, who died in 1594. Sophia Ruthven, the third, had been the first wife of no less a person than Ludovick, Duke of Lennox, but had died, without issue.—It is to be remembered that there was also a pretty wide Ruthven cousinship, consisting of descendants from the younger brother of the first Earl of Gowrie, or from still remote Ruthvens. We have already seen that some of these Ruthven cousins were implicated in the inquiry respecting the conspiracy (*ante*, p. 149).

Acta 1602-3. Page 129.

defender, the order is to charge officers of arms to pass and denounce defender again, and to escheat his goods.

Merchants of wines against the tacksmen of customs for not allowing for leakage and "tume treis" in uplifting the impost on wines.

Action by the merchants importing wines, as follows:—The King and Council, "considering with quhat grite difficultie the lait impost of tuelf pennyis of the pynt of wyne wes collectit and ressavit, and how that the same impost wes not onlie grevous to the venttnairis and rynnairis of the wynis, bot the forme and maner of the payment thairof caryit with it ane grite miscontentment to all his Heynes subjectis," had, by a special Act and ordinance of Council, dated the 3rd October last,[1] "statute and ordanit that the said impost sould be layd and imposit upoun the tune of wyne and payit be the mercheand hame-bringair thairof, and that the sowme of twenty one pundis, comprehending thairin the auld impost of sevin pundis, sould be lifted of everie tune of wyne and payit at certane termes specifeit in the said Act. Quhilk Act, albeit the same wes not authorized with full consent of his Heynes Estaittis, yit the saidis complenaris wer compellit to conforme thameselffis thairunto,—houping alwyse, according to the said Act, that na forder sould have bene exactit of thame bot the said sowme of twenty one pundis for ilk tune of thair full wynis." Yet, against the express words of the said Act, the complainers are burdened with the payment of the said impost for the "haill puncheouns and treis brocht hame be thame, quhidder the same be full or tume, haveing ane lyke respect to the full treis as to the tume." Now, it

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is not fair to burden them with the payment of any impost for that which they lose by leakage, or for the "treis quhilk they ar constranit to leve in the schip for satisfactioun of the fraucht, respect being had to thair awne lose and tynsale." Moreover, "at the raising of the first impost of sevin pundis foure schillingis for every tune of wyne, the saidis complenaris had the tent tune allowit to thame for thair ullage, and tume treis quhilk they left in the schip wer altogidder frie of payment of the said impost, and in all uther cuntreyis, quhair grittest severitie is usit in lifting of ony impost, thair is a fer grittair allowance allowit to the mercheantis for their lekkage and tume treis nor the saidis complenaris craveis; and, they being his Majesteis leigeis, subject to contribute in all the taxationis and impositionis of this realme, they aucht to be na hardliair handellit at hame nor they ar in forayne nationis."—Charge had been given to Sir David Murray of Gospartie, comptroller, and to Robert Arnot, James Nisbet, and James Dalzell, tacksmen of the customs, to answer; and now, Mr. Nicoll Broun, with a number of the importers of wines, and the defenders, appearing, and the reasons and allegations of both sides having been heard, together with depositions of certain persons produced by the defenders for proving that £21 was paid to them by the importers for

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every tun imported by them without deduction given to them for their "lekage or tume treis," the King and Council find and declare that no allowance should be given to the importers of the wines for the "lekkage

[1] The Register is imperfect at that date: see *ante*, p. 467.

or tume treis", but that they should pay the impost foresaid of £21 for every tun brought home by them. Acta 1602–3.

Act anent the Laird of Mac-Intosh's re-entry into ward.

Lauchlane M^cIntosche of Dunnachtane having been appointed to re-enter in ward in Edinburgh Castle by 1st January next, and having left Johnne M^cIntosche, his son, as pledge therefor, and the said pledge having been relieved furth of the said Castle on surety in 5000 merks found by certain burgesses of Edinburgh for his remaining in the said town, the Lords, being advertised of the said Lauchlan's illness, "be the quhilk he is forcet in his repair hither to tak his bed," prorogate the day of his re-entry to 20th January next, and ordain the said sureties to renew their band for the said Johnne's remaining in Edinburgh.

Turnbull of Wauchop against certain Turnbulls for spuilyie.

Complaint by Hector Trumble of Wauchop, that Mark Trumble of Page 132.
Nether Binchester, William Trumble of the Braidhauch, Johnne Trumble of Maiksyde, Thom Trumble of Harkschaw, Lancy Trumble, his brother, with their accomplices, came, all armed with hagbuts and pistolets, in November 159 , at night, to his lands of Wauchop and stole out of his byres nineteen kye and oxen, and eight young nolt.—The pursuer and the last two defenders appearing, the Lords ordain these last to find caution in 300 merks each for their appearance before the Justice any time when charged before 1st April next, and the complainer Page 133.
to find caution in like sum to pursue them by that day,—said cautions to be found within 48 hours hereof and before the parties leave Edinburgh, under pain of rebellion. The absent defenders are to be denounced rebels.

Holyrood-house, 4th January 1603.

Sederunt—Cancellarius; Elphingstoun; Neubottle; Thesaurarius; Episcopus Dunkeldensis; Haliruidhous; Brintiland; Advocatus; Kilsyith; Dominus Jacobus Sandielandis.

Suspension of letters of horning against Gordon of Strathdon.

Complaint by Alexander Gordoun of Strathdowne, as follows:—Umphra Sinclair in Logyalmond, having obtained a decree against complainer upon 30th November last, ordaining him to pay Sinclair £48, has charged him to pay the same within ten days after the charge, under pain of rebellion. Now, the pursuer has been always willing to pay the said sum to Sinclair, or to Robert Wilsoun, messenger, executioner of the said charge; but they have purposely refrained from applying for it, hoping thereby to draw Page 134.
him under the danger of horning. He has consigned the said sum in the hands of James Prymrois, Clerk of Council, for delivery to Sinclair, and so the said horning ought to be suspended.—The pursuer appearing by Johnne Gordoun, his servant, and the defender being also present, the Lords do suspend the said horning, and ordain Prymrois to deliver the said sum to Sinclair. Follows registration of acquittance by the said Sinclair, Page 135.
acknowledging receipt of the said sum from the Clerk of Council and fulfilment of the said decree: witnessed at Edinburgh, 4th January, by Robert Abircrumby, burgess of Edinburgh, Adam Schoir, writer and notary public in Edinburgh, Johnne Balvaird, his servitor, George Greif, servant to Mr. Richard Spens, advocate,—Schoir subscribing for Sinclair.

Acta 1602-3.

Williame Ros appears as procurator for George Ros of Balnagowne, Nicolas Ros, his brother, Alexander Ros of Inuercharroun, and Malcolme Ros of Cambuscarie, and gives in a copy of the letters raised by Johnne Vaus of Lochslyne, of date at Edinburgh 26th September last, charging them to answer this day to his complaint touching their having laid waste his lands of Ammot, destroyed the hained grass and pasturage of his lands, wards, hainings and meadows, fished out of his salmon fishing on the water of Ammot, come with Gillichallum Ros, brother of the said George, in September last at night, to the lands of Lochslyne, and awaytaken his corns, cattle and goods, put violent hands in Donnald M°Gallaniche and his wife, the complainer's cottars, and carried the said Donnald away as captive with them and still detained him. Vaus not appearing, the procurator protests that the defenders shall not be held to answer farther till again warned; and the Lords admit the protest.

Protest in favour of Ross of Balnagown and others summoned to answer a complaint by Vaus of Lochsline.

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Sederunt—PRESENTE REGE—Chancellor; Elphingstoun; Uchiltrie; Fyvie; Neubottle; Spynie; Ros; Dunkeld; Blantyre; Treasurer; Comptroller; Justice Clerk; Advocate; Clerk of Register; Tracquair; Sir Thomas Erskin; Sir George Douglas; Sir James Sandelandis; Sir Robert Melvill; Kilsyith; Conservator; Elimosinar.

Holyrood-house, 6th January.

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Complaint by George Douglas of Marquestoun, that he is put to the horn at the instance of James, Earl of Glencarne, for not answering touching the taking and surprising of the place of Glencairne and furnishing it with warlike provision. As the charge never came to complainer's knowledge and he had found caution in 300 merks for his compearance as soon as he heard of the letters of horning, the same ought to be suspended.

Suspension of letters of horning against George Douglas.

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—The pursuer appearing, but not the Earl, the Lords of Secret Council do suspend the letters.

Action by Sir Michael Balfour of Burley, and Colonel Bartill Balfour, his factor, as follows:—They have been lately charged by letters at the instance of the tacksmen of the customs to make payment within a certain time, under pain of rebellion, of the custom on arms imported by them out of Flanderis. Now, his Majesty, being anxious, "according to the worthie example of all utheris politique and provident princeis," to see all his subjects duly provided with arms, had, at a Convention of the Estates, requested the Commissioners of Burghs then present to undertake the importation and sale of arms at reasonable prices; and it had only been on their declining the burden that Sir Michael, "moved with a speciall regaird of his Heyghnes honnour and to fordwart and advance sa fer as in him lay all his Heyghnes honnourable intentionis," undertook

Suspension of horning against Balfour of Burley, sued for custom on arms imported by him.

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the said charge. Since then he has, from time to time, imported a number of arms, but heretofore he has never been burdened with custom for the same; nor was it indeed right that he should be. In all other "cuntreyis and commounwelthis" armour is custom free, "als weill of the outwart

as inwart custome"; and "in the cuntrey of Flanderis, fra quhilk the said Sir Michaell brocht this armour, quhair, in consideratioun of the wearis and that the said armour wes caryit oute of the cuntrey, thair wes some appeirance of reasoun to have tane custome for the same, yit thair wes nevir sic a thing layed to his charge." Moreover, "it wes nevir hard of in this cuntrey, and the saidis taxmen ar not able to qualifie be ony consuetude or A B C of the customs that evir ony custome wes payit for armour; and, giff the said Sir Michaell salbe sa hardlie and straitlie delt with for his gude affectioun to his Heynes service, he wilbe constrenit to leave af all forder hame-bringing of the said armour."—Charge had been given to George Hereot, younger, Archibald Prymrois, Barnard Lindsay, George Smalhame, Mr. Jerome Lindsay, and James Nesbitt, tacksmen of the customs, to answer; and now, Colonel Balfour, and Hereott, Nesbitt, Prymrois and Mr. Jerome, appearing, the Lords suspend the said letters. Acta 1602-3. Page 140.

Suspension of horning at the instance of Mr. Peter Young against James Drummond, sheriff-clerk of Perth.

Complaint by James Drummond of Leichehill, sheriff clerk of Perth, as follows:—Mr. Petir Young of Seytoun, master almoner, has caused denounce him rebel for non-payment of £2021 (alleged to have been assigned to the said Mr. Petir) as the tax of the shire of Perth for the Prince's baptism. Now, complainer never intromitted with the tax of the said shire; and Mr. Petir had not acknowledged him as intromittor therewith, nor yet had charged him for payment of the same, but, on the contrary, had betaken himself for payment to Olipheir Peblis of Chappelhill, sheriff depute of the shire, who had paid him the said sum, as his following acquittances show:—(1) 3rd April 1594, £100; (2) 4th May 1594, £500; (3) 26th May 1594, £100; (4) 12th June 1594, £50; (5) 26th July 1594, £40; (6) 6th August, £113; (7) 19th August, £107; (8) 2nd August, £100; (9) 14th September 1594, £80; (10) 4th November, £97, 17s.; (11) 30th May, £8; (12) 4th July 1595, £52, 5s.; (13) 10th October 1595, £4, 14s.; (14) 24th July 1596, £80, 15s.; (15) warrant subscribed by the said Mr. Petir for the sum of £519; (16) acquittance for £89, 2s.; (17) and £45 discharged to Ludovick, Duke of Lennox. In respect whereof the said letters of horning should be suspended.—Both parties appearing, the Lords do suspend the said letters. Page 141. Page 142.

Herbert Maxwell and others against Richard Irving and others for spuilyie.

Complaint by Harbert Maxwell of Cavens and Archibald Maxwell and Rob Kirkpatrick, his cottars, that, two years ago, Richie Irwing in Hurtildill, with certain broken men, came at night to the said Harbert's lands of the Glen and reft from him fifteen kye and oxen, worth 20 merks each, and that, a year ago, James Irwing in Trailtrew, Geordie Carrutheris, brother of Cristie of Dormont, Willie Carrutheris in Denbie, with their accomplices, came at night to the said Harbert's Mains of Carlaverokis and reft fourteen kye and oxen, worth £20 each, belonging to his said cottars,—whereby they, once "honnest and substantious houshalderis," are now "redactit to extreme povirtie."—Charge had been given to Richard Irwing of Hurtildill, James Irwing in Trailtrew, and Willie Carrutheris in Denbie, to answer; and now, Harbert appearing, but none of the defenders, the order is to denounce them rebels. Page 143.

Acta 1602-3.

Sederunt—PRESENTE REGE—Lennox; Chancellor; Mairshaell; Uchiltrie; Fyvie; Master of Paislay; Dunkeld; Kinlos; Blantyr; Haliruidhous; Secretary; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Tracquair; Murdocairny; Brintiland; Sir George Douglas; Conservator; Elimosinar. Holyrood-house, 11th January.

Suspension of horning against James Ogilvy of Balfour.

Complaint by James Ogilvy of Balfour, that he has been put to the horn for not subscribing an assurance to Alexander, Lord of Spynie, and others of the Lindsay name. As he was not lawfully charged, and no form of assurance was presented to him, the horning ought to be suspended
Page 144. simpliciter.—Charge had been given to the Lord of Spynie, and also to Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, to answer; and now, the pursuer appearing, but none of the defenders, the Lords do suspend the said letters.

The Sheriff of Bute against the Earl of Argyle, Campbell of Auchinbreck, and others, for spuilyies committed in the Isle of Bute.

Complaint by Johnne Steuart of Ardmoleis, sheriff of Bute, for himself and the feuars and tenants of the King's proper lands in the isle of Bute, as follows:—After many reifs committed on the complainers by Dougall Campbell of Auchinbrek, assisted by a number of sorners of clans of the
Page 145. highlands and isles next adjacent, they had obtained letters charging Dougall to answer before the King and Council to certain specified complaints. He had not appeared; and, at last, in the reconciliation between Ludovik, Duke of Lennox, and Archibald, Earl of Ergyll, his Majesty had burdened the latter to assure the entry of the Laird of Auchinbrek before the King and Council upon 18th May last. On that day, he and the complainers appearing before his Majesty at Dunfermling, it had been thought meetest that all their differences should be "packit up and tane away be a amicable and freindlie dres of freindis," and his Majesty had accordingly urged both parties to subscribe a submission. This had been done with all the solemnities requisite, and with appointment of the days and places of meeting for settling their quarrels. But Campbell, "resolving to persist in
Page 146. his accustumat wicked trade," had not only suffered the diet to desert, but had, in November last, convocated 1500 men in arms, furnished with hagbuts and pistolets, most of them Archibald, Earl of Ergyll's men, and had come with them to the coast side, opposite to the isle of Bute, intending to invade the complainers with fire and sword. He had sent across into the island 30 of the "maist disordourit lymmaris of his haill oist," who shot certain sheep and committed other "insolenceis." The complainers, knowing that the said Earl had declared in presence of his Majesty that he was answerable for the Laird of Auchinbrek, had sent to the Earl, craving that the said forces might be dissolved and that all quarrels between Campbell and them might be amicably settled. The Earl had then commanded Campbell to dissolve his forces, and had promised that there should be no new attack on the complainers till
Page 147. matters were otherwise "packit up." But, upon 19th day of November last, the said Laird of Auchinbrek, accompanied by Donnald Campbell of Duntrune, Coline Campbell of Parbrek, Archibald Campbell of Silver

Craigis, Campbell, younger of Innerlevair, Donnald Campbell of the Osse, Neill M^cNeill of Tawneis, M^cCallum, Lauchlane and Gorie M^cNeillis, his brothers, Rannald Kame M^cAllaster, Coill M^cAllaster, Coline Campbell, apparent of Kilberrie, Angus Campbell, apparent of Danna, Donnald Campbell, brother of the said Laird of Auchinbrek, Eachan Bradoch M^cNeill, Campbell of the Knap, Neill Campbell of Daltoit, Johnne Lawmont, son of the late Watty Lawmont of Achogill, Allaster Kear Campbell, and his son Coline Campbell of Tarloat, Johnne M^cIver of Ederlie, Archibald M^cAllaster, apparent of Tarbett, Dougall Campbell, writer, Dougall Campbell of Kilmene (Kilmorie), with convocation of "brokin heyland men", to the number of 1200 men in arms, most of them being the Earl of Ergyll's men, and specially instigated by the Earl, entered the said Isle at night, armed with hagbuts and pistolets. Once in the Island, they began their reif there upon the premises of Marione Stewart, a poor widow, whose husband had been before slain by some of their friends. They raised fire on her ground, burnt her corns, spuilyied from her and her tenants all the goods and plenishing on her lands, including the ten poundland of Wester Kames, so that she and her tenants of the said ten poundlands were "dampnifeit" in 1000 merks. They then passed to the said Sheriff's lands of Ardmoleis, where they burnt a great part of the corns thereof, destroying also a quantity of the corns in Myris, assaulting the tenants, spuilying their houses to the value of £100, and killing seven or eight sheep. They also reft furth of the said Sheriff's lands of Inchemernok ten sheep, a fat cow, and plenishing worth £20; from Johnne Stewart, his tenant, his whole plenishing, worth £30; and from Donnald Drenyie in Grenane, another of his tenants, certain victual worth £20. They took away with them the "haill plew irnis" of the lands through which they passed, intending thereby to lay the lands waste. They reft from the King's own feuars and tenants in Bute their whole insight, victual and "plew irnis," together with 100 sheep; and they took from Mr. Robert Steuart, minister at Rothesay, three chalders of victual, and left him nothing whereon to live. In short, their reifs and depredations have been such that, unless complainers have protection, they will not be able to pay the maills and fermes due to his Highness and will have to leave their lands waste.—Charge had been given to the defenders abovewritten (except Campbell of Duntrune and Campbell of Parbrek) to answer, and to the Earl of Ergyll to enter Campbell of Auchinbrek; and now, the Sheriff of Bute appearing for himself and the other complainers, but none of the defenders appearing, the order is to denounce the Earl of Ergyll and the other defenders.

Acta 1602-3.

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Holyrood-house, 13to January.[1]

Sederunt—PRESENTE REGE—Lennox; Chancellor; Mar; Mairshaell; Page 150.

[1] In the interval between this entry and the last there had died the famous Mr. David Black, whose struggle with the King and the Octavian Government in the end of 1596 had brought about the anti-Presbyterian Reaction so manifest and so increasingly successful since that date (see vol. v., Introd., pp. liv-lviii). The circumstances of his death are related thus by Calderwood (vi. 195) —"Mr. David Blacke, some tyme minister at St. Andrewes,

Acta 1602-3.

Lynlythqu; Elphingstoun; Uchiltrie; Fyvie; Neubottle; Ros; Caithnes; Blantyr; Kinlos; Halirudhous; Secretary; Comptroller; Collector; Advocate; Clerk of Register; Tracquair; Brintiland; Sir Patrik Murray; Sir James Sandielandis; Elimosinar.

Decree against the Master of Ogilvy and his brother for having violated their assurances to the Lord of Spynie by attacking his house of Kinblathmount with a petard on a night in November last and sacking the same.

Action at the instance of Sir George Home of Spott, treasurer, Mr. Thomas Hammiltoun, King's advocate, and Alexander, Lord of Spynie, for his interest, as follows:—James, Master of Ogilvy, and George Ogilvy, his brother, had, by their letter dated in July last, for themselves and their friends, assured the said Lord and his friends to be unharmed of them till 1st January 1603, under pain of perjury, and farther the said Master under pain of £5000 and the said George of £1000. Again, upon 15th
Page 151. September last, the said Master and Sir Johnne Ogilvy of Craig, his brother, for themselves, and all their kin, friends, and servants, had given the same assurance, under the pain of perjury, and of 10,000 merks for the said Master and 5000 merks for the said Sir Johnne. Yet, upon 26th November last, when the said Lord of Spynie, accompanied only by his wife, bairns, and three or four servants, was in his own dwelling place of Kinbiathmont without armour, the said Master of Ogilvy, with Sir Johnne, Mr. David, Frances and George, his brothers, resolved upon a night-attack upon the said house "be a maist deteistable and unlauchfull ingyne of weir, callit the pittart." Accordingly, that night, the said
Page 152. defenders, or at least one or two of them, accompanied by a force of their men and friends, to the number of six score persons on horse and foot, came by way of hamesucken to the said place, "and not onlie brocht with thame the said detestable ingyne of the pittart, bot lykwayes feilding peceis" for besieging the said house if the petard should fail. "Haveing affixt the said pittart to be principall yett of the said place, they forceablie blew up the same yett or evir ony of the personis being within the said house knew of thair being thair; and, immediatlie at the blawing up of the yettis, thay schoit and dischargeit thair feilding peceis at the windois of the said place, of purpois to have slane sic personis as, upoun the noyis of the blawing up of the yett, sould come to the windois to undirstand quhat the mater meanit; and swa, finding the yettis maid patent and oppin to thame, thay ruscheit and enterit in the said house with thair bendit pistollettis and drawne waponis in thair handis." They then searched in all parts of the house for the said Lord and his wife to murder
Page 153. them; but, by the providence of God, the said Lord had conveyed himself, his wife and bairns, out of the house two hours before, "knawing nathing of thair hid and detestable treasoun." Thereupon they assaulted the servants and threatened to torture them if they revealed not where their master was; and they ended by taking with them the whole plenishing,

but now minister at Abirlett beside Arbrothe, going to Perth for his needfull effaires, loodged by the way in Dundie; and, upon Tuisday the 12th of Januar, whill he was putting his hand to the bread, immediatlie after the blessing, he sattled doun, and randered his spirit, with lifted up hands to the heavens. Thus died that zealous, faithfull, and painfull pastor, of an apoplexie, to the great dolour of the godlie."

evidents, gold, and silver found in the said house.—The King's advocate and Lord Spynie appearing, and the said George Ogilvy being also present, and Spynie having passed from pursuit of the said George, declaring that he would use him as a witness, but the Master of Ogilvy and Sir Johnne not appearing, the Lords find that these two have violated their said assurances, and therefore adjudge them to be perjured and defamed, decerning further that the Master has incurred the penalty of 10,000 merks, and Sir Johnne the penalty of 5000 merks, and ordaining letters to be directed against them for payment. Acta 1602-3. Page 154.

Suspension of horning against Sir David Lindsay of the Mount, lyon king of arms, charged with payment of a tax.

Complaint by Sir David Lindsay of the Mont, lyon king of arms, as follows :—Ludovik, Duke of Lennox, claiming a great part of the taxation of 100,000 merks granted to his Majesty by the Estates "for the honnourable furnissing of ambassadouris," has obtained general letters of horning, charging the pursuer, under pain of rebellion, to pay £25 for his part of the said taxation, alleged owing for the teinds of his lands of the Month. Now, complainer and his predecessors, lyon heralds, have never been burdened with any taxations, but have always been relieved from the same by virtue of their office; and, further, complainer was absolved, by decree of the Lords Commissioners, from all payment of any part of the taxation of 200,000 merks preceding the taxation above specified. Still, he has consigned the said sum in the said Lords' hands till their trial of the case. Therefore the said general letters of horning should be suspended.—The pursuer appearing personally, and the defender by Archibald Prymrois, writer, the Lords do suspend the said letters, and ordain said Archibald, in whose hands the said sum has been consigned, to redeliver it to the complainer. Page 155. Page 156.

Act prohibiting the export of linen yarn.

Supplication by the "wobstaris, weavaris and claithmakaris within this realme," as follows :—Albeit his Majesty, "for the bettir setting fordwart of that gude werk and interprise of the making of clayth, fusteanis, stemingis, grogranis and other kynd of stuffe," has expressly "prohibite and dischargeit the transporting furth of this realme of woll and sic utheris necessaris as ar meit for the furtherance of the said werk," and albeit it was his Majesty's "guid mynd and meaning" at the time "to mak restreant of all thingis quhilk ony wayes micht hinder or impede the course of the said werk, and namelie of linning yarne, quhilk is sa necessarlie to be had to the making of the said stuffis, and without quhilk the same can not effect": yet merchants, sea-passengers, and traffickers, "preferring thair particular gayne to his Majesteis honnour and commounweill, hes begun of lang tyme syne to by and foirstall grite quantitie of yarne fra divers of his Majesteis liegeis, respecting not upoun quhat pryce thay by the same, and daylie careyis and transportis the same beyond sey, to the grite hinderance and wrack of the saidis supplicantis, his Heynes subjectis, labouraris and workaris of the saidis stuffis; quhairby thay have raised the said yairne to sic ane exhorbitant and feirfull derth that within thir tua yeiris the commoun pryce thairof is quadriplit, sua that, except his Majestie, according to his Heynes gude Page 157.

Acta 1602-3. meaning as said is, gif and grant ane particulair Act of restreant of the said yairne, the same work, quhilk hes sa gude a progres and florisheing within this realme, salbe left af be the saidis supplicantis throw meir povirtie, and the haill estate of the commonis salbe alluterlie wrackit."—

Page 158. The King and Council, finding the desire of the supplication to be reasonable, inhibit all persons from exporting the said linen yarn on any pretence, under pain of confiscation of the same to his Majesty's use.

Charge for new assurances between Lord Spynie and Sir Robert Crichton.

The assurances between Alexander, Lord of Spynie, and Sir Robert Creichtoun of Cluny being now almost expired, but the variance still continuing, there is order to charge both parties to subscribe such forms of new assurance as shall be presented to them, to endure till 1st January 1604, and to find cautioners for the observation thereof, and to report the said assurances for registration, within six days after the charge, under pain of rebellion.

Page 159. Charge for renewed assurances between the Laird of Johnstone and certain Dalzells and others.

The assurances between Sir James Johnnestoun of Dunskellie, on the one part, and Robert Dalyell, elder of that Ilk, Robert Dalyell, younger of that Ilk, Williame Creichtoun of Livrie, Creichtoun of Craufurdstoun, Williame Creichtoun of Tounheid, Williame Creichtoun of Auchintagart, and Williame Creichtoun of the Hill, on the other side, being now expired, but the feud still remaining, both parties are to be charged to assure one another anew till 1st January 1604, within six hours after the charge, under pain of rebellion.

Hew Crawford sued by Katherine Banks for restoration of a house he had rented of her, and which had been accidentally burnt in cleansing it from the plague.

Complaint by Hew Craufurde in the Quhytehouse beside Edinburgh, as follows:—In January 1602 "it fortunit at the gude pleasour of God that, the plague of pestilence being frequent within the burgh of Edinburgh, the same come within the complenaris duelling house callit the Quhytehouse", belonging to Katherene Bankis, relict of Williame Hereis, and James Weill, now her spouse, in liferent, and to Robert Hereis, her son, in fee. At which time not only did five of complainer's "puir bairnis" die of the plague, but he had lost his whole goods by their being burnt for the cleansing of the said house. Yet, the said proprietors of the house,

Page 160. alleging that complainer "wrangouslie and maliciouslie" burnt the same, have cited him before the sheriff to be decerned to rebuild the same and make it as good as before the burning. Now, "seing the same come at the gude pleasour of God be accident in the clengeing thairof and the greitair losse wes to the said complenair then to thame," and also because his Highness commanded Clemmett Kincaid in the Coittis "to caus burne the samin for eschewing of greitar inconvenient," complainer ought to be assoilzied simpliciter from this action.—Both parties appearing, the Lords remit the matter to the judge ordinary.

Page 161. Holyrood-house, 18th January.

Sederunt—Chancellor; Angus; Mar; Mairshaell; Uchiltrie; Fyvie; Newbottle; Ros; Caithnes; Treasurer; Secretary; Blantyre; Haliruidhous; Comptroller; Collector; Justice Clerk; Advocate; Clerk of Register; Tracquair; Brintiland; Sir Patrick Murray; Sir James Sandielandis; Conservator; Elimosinar.

William Irvine against John Irvine: Decree for the defender.

Complaint by Williame Irwing, as follows:—Having the roume of West Mill of Drum in tack, he has peaceably possessed the same till lately. But not only has Johnne Irwing at the West Myll of Drum ejected him furth of the said roume, but upon 10th July 1597 Irwing pursued him with a sword, mutilated him of a finger of his left hand, and reft from him his plaid, worth £10, his bonnet, his whinger, and his purse, containing 40 merks. Further, the said defender daily carries hagbuts and pistolets for pursuit of complainer.—Both parties appearing, the defender offers to underlie trial on all the points of the complaint; but, while the complainer brings no witnesses, defender produces (1) letters of horning against the said Williame at the instance of the late Alexander Irwing of Drum for not paying £500 as the liquidate duty and violent profits of the West Mill of Drum; (2) letters of horning against the said Williame at the instance of William Bisset in Hirney, Williame Irwing there, James Taillour there, and certain others, for not finding law surety to them; (3) certain tickets subscribed by the said Williame whereby he had discharged the witnesses summoned by him in this action. The Lords then, because they see that the complainer's arm is not mutilated, and because he had discharged his witnesses, find that he ought to have no further process.

Acta 1602-3. Page 162. Page 163.

Again in the complaint of Lord Spynie against the Master of Ogilvy and others for blowing up his gates with a petard, spuilying his house, and assaulting his servants.

Renewed action at the instance of Alexander, Lord of Spynie, and Sir George Home of Spott, treasurer, for his Majesty's interest, in the matter of the recent complaint of the said Lord against the Master of Ogilvy and his kin and friends for their blowing up the gates of his house of Kinblathmont with a petard, and sacking the same in the night-time (*ante*, p. 519), with statement now that about 100 persons, on horse and foot, armed with field-pieces, muskets, hagbuts, pistolets, jacks, steel-bonnets, corslets, targes, spears, and banded staves, had been concerned in the outrage, and with enumeration of the following as the chief culprits:—the Master of Ogilvy, Sir Johnne Ogilvy, Frances and Mr. David, their brothers, Patrik Guthrie, son of Robert Guthrie, sometime of Kinblathmont, Baron Reid, younger of Strathardill, Alexander Irnis, son of the said Sir Johnne Ogilvy, Petir Turnbull, servitor to the Laird of Balfour, Leonard Robertsoun, brother of Baron Reid, Alexander Ogilvy, James Hall, David Volum, Thomas Masoun, servitors to the said Master, Johnne Ogilvy, son of James Ogilvy of Peill, Reid Johnne Ogilvy, Normond Ogilvy in Kerymure, Johnne Frendraucht there, Walter Ogilvy in Turingis, Thomas and Johnne Ogilvyis, his sons, James Ogilvy in Boigsyde, Johnne Ramsay, called "Quhyte Coik," Robert Grahame and Douglas, servitors to the said Frances, James Laper, Williame Ogilvy in Fernell, Archibald Ogilvy in Craig.—Charge had been given to the said defenders to answer this day; and now, the pursuer appearing, as also the said Thomas Masoun, James Ogilvy in Boigsyde, James Lapper and Williame Ogilvy in Fernell, the Lords assoilzie these defenders because pursuer's proof against them has failed, excuse the absence of Walter Ogilvy in Turingis and Johnne Ogilvy, called Reid Johnne, because of

Page 164. Pages 165-6.

Acta 1602-3. Pages 167-8.

their "present disease and inhabilitie to travell," ordain the rest of the defenders to be denounced rebels for non-appearance, but supersede the execution against the said Mr. David Ogilvy till 25th instant.

Proclamation against resetting or intercommuning with the Master of Ogilvy, his brothers, and certain other rebels, their friends, under pain of death, with extension of the same rigour to David Lindsay, son of the Earl of Crawford, and other rebels on that side of the feud.

"Forsamekle as the Kingis Majestie, according to his Heynes naturall inclinatioun and dispositioun to mercy, haveing resolved be clemency to have satled and pacifeit the troublis quhilkis fell oute betuix Alexander, Lord of Spynie, and James, Master of Ogilvy, and thair compliceis, that thairby the saidis pairteis micht have had occasioun the mair willinglie to acknaulege thair obedyence and dewyteis, and be his Majesteis loving behaviour as it were to have deserved a mair suir and voluntair obedyence, his Majestie for this effect not onlie abstenit fra rigour aganis baith the pairteis, bot, besydis the custome of most clement Princeis, delt particularlie be himselff as a amicable arbitour betuix thame to settle and remove that feid, and in end his Majestie, with grite panes and fasherie, brocht the mater to that point that a decreit arbitrall wes pronunceit sa moderatlie and indifferentlie as thay baith fand thameselffis satisfeit and contentit, and nathing rested in that mater bot the choiping of handis: quhilk, upoun thair not compeirance, being for a tyme delayed albeit thay wer daylie fra tyme to tyme warnit thairto, his Majestie in the meantyme, for the bettir quietnes of the cuntrey, causit assuiranceis to be past and interchangeit betuix thame fra tyme to tyme, hoiping alwayes that a dew reverence and obedience sould have bene gevin to his Heynes decreit, and that nathing les sould have bene perpetrat or attemptit be ather pairtie nor the brek thairof, or violatioun of his Majesteis assuirance in ony point. Nochtwithstanding, as his Majesteis clemencie, evir extendit to undeutifull and disloyall subjectis, hes produceit na thing bot contempt and disdayne of his Heynes, sua in this particulair his Majestie hes had over large a pruffe of the ingratitude of the said Maister of Ogilvy and his bruther; quha, sen the pronunceing of his Majesteis decreit, being divers tymes chargeit to have compeirit befoir his Majestie and Counsaill, als weill to have ansuerit upoun thair rebellioun and contemptuus lying at the horne at the instance of divers his Heynes gude subjectis, as to have undirlyne ordour anent the finall setling of the feid foirsaid, thay have at all tymes absentit thameselffis fra his Majestie, and his Heynes evir contentit himselff with maist sclender and frivolous excuissis of thair absence, relenting the termes prefixt to thair compeirance and prorogating the same fra tyme to tyme, quhill now in end that, thay haveing schaikin af all feir of God, reverence of the law, and regaird of thair awne honnour, in the very meantyme of ane assuirance, subscryvit be thame in presence of his Majestie and his Counsaill, quhilk standis in full force and effect, thay have maist unworthelie and disloyallie, to thair awin perpetuall reproche, turpitude and shame, violat and brokin the said assuirance be a ingyne of weir callit the pittart, maist unlauchfull to be used amang subjectis in ony peacable and weill governit cuntrey. For the quhilk thay being callit and convenit befoir his Majestie and Counsaill to have purgeit thameselffis of that foull deid, and thairby to have fred thame-

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selffis of the perpetuall spott of perjurie dew to thame for thair violatioun of the said assuirance, thay, takand the cryme upoun thame, now as at all tymes preceding, absentit thameselffis, and thairfoir ar not onlie declairit perjurit and defamit personis, unworthy of credite, honnour and estimatioun, bot with that thay ar ordanit to be denuncit rebellis and put to the horne. And now, his Majestie haveing omittit na gude meanis quhilkis mycht have reduceit the saidis personis to obedyence, and finding his Heynes lenitie and lang suffering to produce nathing in thame bot contempt upoun contempt, his Heyghnes hes now resolved na langair to spair tyme, bot to prosequute thair rebellioun and dissobedyence with all kynd of rigour and extremitie, alsweill aganis thameselffis as aganis all sic personis quhatsomevir as heireftir sall ressett, supplie or intercommoun with thame, or shaw thame ony kynd of conforte or releiff. And, that his Majestie may mak it the better to appeir to all his gude subjectis that his Majesteis rigour, now intendit aganis the personis abonewrittin, is nouther for ony particulair affectioun to thair adverse pairty, nor for ony uther evill will aganis thair awne personis, except for the exemplair punischement of thair viceis and contemptuous dissobedyence, and that his Majesteis indifferencie in justice may be the bettir knawne in haiting and punisheing alyke all sortis of men that ar guiltie of the lyke crymes without respect of persone, his Majestie thairfoir, as he hes resolved and avowed to prosequute the personis foirsaidis as said is, sua his Heynes,—finding himselff als gritelie interest and dishonnourit be the foull, unworthy and shamefull attempt perpetrat be David Lindsay, sone naturall to the Erll of Craufurde, Gilbert Rynd, sone to Williame Rynd of Kers, Hary Lindsay, callit of Blarifeddane, and Patrik Ramsay, sone to the Gudeman of Arbeky, in the cruel and unmercifull persute of Maister David Ogilvy, and murthour of his man at the yett of his Majesteis awne palice, upoun the Sabboth day and baith the pairteis being bot newlie come furth fra heiring the worde of God, quhilk sould be a brydall to all sic cruell passionis in man,—has resolved and avowed be the lyke examplair punishement to prosequute thame, thair resettaris, assistaris, and pairttakaris with all rigour. And thairfoir his Majestie ordanis letters to be direct to command, charge and inhibite all and sindrie his Heynes liegis and subjectis quhatsumevir, alsweill to burgh as to land, be oppin proclamatioun at all placeis neidfull, that nane of thame presume nor tak upoun hand to ressett, supplee or intercommoun with the saidis Maister of Ogilvy, Sir Johnne Ogilvy of Craig, Frances Ogilvy, his bruther, Baroun Reid, youngair, Patrik Guthrie, Alexander Irnis, Petir Turnbull, Leonard Robertsoun, Alexander Ogilvy, James Hall, David Volum, servitouris to the said Maister, Johnne Ogilvy, sone to James Ogilvy of the Peill, Normond Ogilvy in Kerymure, Johnne Frendraucht, Thomas and Johnne Ogilvyis, sonis to Walter Ogilvy in Turingis, Johnne Ramsay, *alias* Quhyte Coik, Robert Grahame, Archibald Ogilvy in Craig, David Lindsay, Gilbert Rynd, Hary Lindsay, and Patrik Ramsay, sone to the Gudeman of Arbeky, denunceit rebellis and put to the horne for the

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crymes respective abonewrittin, nor furneis thame meit, drink, house nor harbory, ryde nor gang with thame, keip tryistis, conventionis nor meitingis with thame, nor assist and tak parte with thame in ony thair actionis and interpryissis during the tyme of thair rebellioun and dissobedience, under the pane of deid, certifeing thame that failyeis that they salbe takin, apprehendit and puneist to the deid, without favour or mercy."

Sederunt—Chancellor; Mar; Uchiltrie; Elphingstoun; Fyvie; Neubottle; Spynie; Treasurer; Halirudhous; Tracquir; Conservator; Elimosinar. Holyrood-house, 20th January.

Proclamation of an intended raid to Angus by the King in person to suppress signs of rebellion in those parts.

Inasmuch as, "upoun occasioun of the rebellioun and dissobedyence professit and avowit within the bounds of Angus be a nowmer of undeutifull and disloyall subjectis," who seem to be "upoun some unhappy practize and course for troubling of the present estate", his Majesty "intendis in propir persone to repair to the saidis boundis and thair to remane quhill the intendit rebellioun be setled and the authouris thairof accordinglie tane ordour with and puneist,"—there is order to charge "all
Page 172. and sindrie erllis, lordis, baronis and landit gentlemen, valiant tuentie chalderis of victuall or tua thousand merkis of yeirlie rent, within the boundis of the schirefdomes of Fyffe, Kinros, Perth, Forfair and Kincairdin, togidder with the inhabitantis of the burrowis within the saidis boundis," to meet his Majesty, "weill bodin in feir of weir, with tuentie dayis victuallis and provisioun," as follows:—"The saidis inhabitantis to burgh and land within the sherefdomes of Fyffe, Kinros, Perth and Forfair, to convene and meit his Majestie at the burgh of Dundee upoun the nynt day of Februair nixt to come, and the saidis inhabitantis to burgh and land within the sherefdome of Kincairdin, to meit his Majestie in Brechin upoun the tent day of the said moneth of Februair nixt to come," under the pain of "tinsall of lyffe, landis and guidis."

Proclamation against the reset of notorious rebels under pain of the same punishment as would befall the criminals themselves, with specification of some cases of notorious rebellion.

"Forsamekle as, albeit the Kingis Majesteis sinceir and uprycht hairt in loving of vertew and detesting and haiting of vice in all degreis and rankis of personis be notour and knawne to all the gude subjectis of this land, and how that his Majestie hes evir had a speciall cair to represe, abolishe and extinguishe the course and progres of all sick grite and monstrous viceis as hes bene sua frequent and commoun within this cuntrey thir yeiris bigane, and be the quhilkis God hes bene maist heichlie displeased and his Majestie contempnit and dishonnourit, yit sic is the perverse and unhappy dispositioun and inclinatioun of grite nowmeris of his Heyghnes subjectis that nouther the feir of God nor reverence of the law can mak thame conformable, bot, abuseing his Majesteis clemencie and contempning the example of punishement, thay
Page 173. perseveir in all kynd of iniquitie, heichlie to his Heynes offence and displeasour, and misregaird of his Majesteis authoritie: and his Majestie considdering that ane of the cheif caussis quhilkis procuris thir enormitеis

to be sa frequent and commoun proceidit frome the patrocinie, ressett, conforte and supplee quhilk the criminallis ressaves amang thair freindis and favouraris, be the quhilk thay not onlie eshew the punishement dew to thair demereitis, bot ar fosterit in thair rebellioun and insolenceis, quhairas, gif sic unlauchfull ressett wer refusit and denyit unto thame, outher wald thay be apprehendit or then forced to leave the cuntrey:—For remeid quhairof in tyme comeing, his Majestie hes solempnetlie protestit and avowed that the ressett of quhatsomevir criminall personis for odious crymes,—as namelie the ressett of the personis quha laitlie maist shamefullie and barbarouslie slew the Laird of Mellestanes, the ressett of the personis lying at the horne for the vyld and monstrous attempt perpetrat aganis umquhill George Carkettle in revisheing of his dochter and persute of his awin lyffe, the ressett of the Maister of Ogilvy and his compliceis denunceit rebellis and at the horne for the foull and unworthie attempt committit at Kinblathmont, the ressett of David Lindsay, sone naturall to David, Erll of Craufurde, and his compliceis, rebellis and at the horne for the shamefull persute of Maister David Ogilvy and murthour of his man, committit upoun the Sabboth day at the yett of his Heyghnes pallice, thay being than come fra heiring of the preicheing, the ressett of Archibald Dalyell quha is at the horne for divers odious crymes and insolenceis committit be him, and the ressett of all utheris personis quha heireftir salbe declairit and denunceit rebellis for odious crymes,—salbe punist with the lyke rigour of justice as the criminallis thameselffis in cais thay wer apprehendit, and that na respect or conditioun quhatsomevir sall impetrat impunitie to thame or freith thame of the punishement, bot the same punishement salbe execute aganis thame without favour or mercy: And thairfoir ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrou nane pretend ignorance of the same, and to command, charge and inhibite all and sindrie his Majesteis liegis and subjectis, that nane of thame presume nor tak upoun hand to ressett, supplee or intercommoun with the personis particularlie abonewrittin, nor na utheris knawne rebellis and fugitives for odious crymes, or quha heireftir salbe denunceit and declairit rebellis and fugitives, nor furneis thame meit, drink, house nor harborie, under quhatsomevir cullour or pretens, under the pane of incurring the same pane and punishement dew to the criminall personis quhome thay sal happin to ressett, and to be punist thairfoir accordinglie without favour or mercy." Acta 1602-3. Page 174.

William Douglas against Andrew Wood for oppression.

Complaint by Williame Douglas in Hiltoun, that Andro Wode in Rossyith "havelie oppressis" him, and has caused him leave his kindly roume and mailling, and that he dare not pursue the said Wode therefor, nor for 42 bolls of oats at £5 each, 12 bolls of bear at 10 merks each, 18 score thraves of straw and 30 score thraves of straw at 6s. 8d. each, "with ane yokit pleuch graith," worth 20 merks, all withheld by the said Wode from complainer by plain force and reif.—Both parties appearing, the Lords remit this matter to the judge competent thereto. Page 175.

Acta 1602-3.

Sederunt—Chancellor; Mairshaell; Uchiltrie; Elphinstoun; Fyvie; Spynie; Master of Paislay; Treasurer; Secretary; Ros; Kinlos; Comptroller; Justice Clerk; Advocate; Privy Seal; Brintiland; Tracquair; Conservator; Elimosinar. Holyrood-house, 25th January.

Gilbert Taylor against Andrew Sim for deforcement.

Complaint by Gilbert Tailliour, messenger, that, letters having been directed charging certain persons in the parish of Foverne to pay the sums at which they were taxed for repairing the kirk of Foverne, Andro
Page 176. Sym, from whom, in default of payment of his part of the tax, complainer had poinded a sword, struck him "sindrie straikis" with the said sword, and so deforced him in the execution of his office.—The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

Lady Skirling against Tweedy of Drumelyier for violently intromitting with her rents and living and reiving her goods.

Page 177. Action by Dame Jeane Hereis, Lady Skirling, relict of Sir James Cokburne of Skirling, as follows:—Although she is "servit and kennit to the sonny terce and thrid parte" of the lands of Lethame, Wittoun, Brumisfeild *alias* Corslandis, and Newark, and to the nine acres of land lying on the south of the burgh of Hadingtoun, all within the constabulary of Hadingtoun and shire of Edinburgh, and has, ever since the decease of her husband, been in possession of the same by uplifting the maills and profits from the tenants, yet Helene Carmichael, relict of Williame Cokburne of Skirling, and James Twedy of Drummelyear, now her spouse, have masterfully uplifted from the said tenants the maills and fermes for the crops 1601 and 1602, and threatened to bereave them of their lives if they did not comply. The more to "utter his bangstrie and oppressioun", the said James Twedy has compelled the said tenants to
Page 178. oblige themselves in the sheriff court books of Hadingtoun to pay him the profits of the said lands, so that, being subject to double payment, they are constrained to leave the said lands waste. Further, about Martinmas last, the said Twedy and his servants reft from complainer's tenants of her conjunct fee lands of the Nether Mains of Skirling two oxen belonging to her. She is "ane ageit gentilwoman, destitute of hir husband, and freindis quha ar far duelling frome hir": hence these oppressions.—Both parties
Page 179. appearing, the Lords remit the matter to the judge ordinary, but ordain the defender to find caution for the indemnity of the pursuer in £1000 within 48 hours hereof, under pain of rebellion.

Aulay Mac-Aulay against Archibald MacArthur for reif.

Complaint by Aula M°Caula of Ardincaple, and Margaret M°Neill, relict of Duncane Darleych, in Ardincaple, that, in October last, Archibald M°Arthour, son of the late Arthour M°Arthour in Inderlawrain, with certain broken men, came in the dawn of the day to the complainer's fold in Easter Ardincaple, "band his hirdis that wer keipand his guidis
Page 180. thairintill," and reft two great kye belonging to the pursuers.—The Laird of Ardincaple appearing, the defender, for not appearing, is to be denounced rebel.

John Brown against Donald MacNedder for spuilyie and oppression.

Complaint by Johnne Broun in Tullymat that, four years ago, Donald M°Neddair there and Alexander Ruthven of Kay hounded out their servants, who reft from the pursuer a horse, worth 40 merks, with certain

goods "being upoun his back," worth 20 merks; further, that, a year ago, the said Donald sent his brother's son to the pursuer's byre, who took furth thereof a mare, worth 40 merks; and, again, that M°Neddair and Ruthven have ejected the complainer and his family furth of their roume, intromitted with all his corns and goods, worth 1000 merks, "and hes left thame na gude in the eirth, bot ar constrayned to beg athorte the cuntrey."—Charge had been given to M°Neddair to answer; and now, the pursuer appearing, the defender, for not appearing, is to be denounced rebel. Acta 1602-3. Page 181.

Suspension of horning against the Comptroller for not subscribing an assurance.

Complaint by Sir David Murray of Gospartie, comptroller, that he is denounced rebel for not subscribing an assurance to Sir James Scott of Balveyrie. The said assurance having never been presented to him, and he having received no lawful intimation of the charge to subscribe the same, the horning should be suspended.—The pursuer appearing, but not the defender, the Lords do suspend the horning. Page 182.

Measure to enforce the Acts for importing bullion to the cunyiehouse in exchange of customable exports.

Notwithstanding divers Acts ordaining bullion to be imported by merchants for furnishing the cunyiehouse, and especially the Act of Convention, dated in May 1597 (Acts of Parl., vol. iv. p. 118), requiring the customers to account with the merchants exporting any goods since 5th March 1596, and to take caution of them for payment of the bullion, yet merchants and traffickers have continually since the said day exported wares for which, by the laws, bullion should have been bought home, and have neither imported the requisite bullion nor had caution taken from them by the said customers to that effect. There is order therefore to charge all and sundry who have exported any goods since 5th March 1596, and whose names shall be delivered in bills, to pay to the master of the cunyiehouse such bullion as is due to be imported by them, according to the quantity of goods exported by them since the said day, and also to pay their ordinary bullion for goods to be exported hereafter, within ten days after the charge, under pain of rebellion. There is also order to command the customers and clerks of cocket who have already received payment of the said bullion from the said merchants to pay the same to the master of the cunyiehouse, within ten days after the charge, under the same pain. Farther, the clerks of cocket and customers are discharged from granting cocket upon any goods subject to the said condition of importing bullion, and from customing the said goods, till sufficient caution has been found for inbringing and delivering to the master coiner the ordinary bullion for the said goods. Finally, the tacksmen of the customs are to be charged to produce before the master coiner a catalogue of the merchants who have exported any goods since the date of their tack, with an inventory of the goods exported by them, to the effect they may afterwards be charged for delivery of the said bullion within ten days after being required. They are also to produce to the master coiner, under the said pain, their account books, bearing the names of the exporters of the goods with the value and quantity of the same, every three months, within ten days after the expiry of every third month, under the said pain. Page 183. Page 184. Page 185.

Acta 1602-3.

Sederunt—Chancellor; Uchiltrie; Elphingstoun; Fyvie; Spynie; Newbottle; Treasurer; Secretary; Ros; Kinlos; Haliruidhous; Collector; Comptroller; Advocate; Tracquair; Sir Robert Melvill; Sir Thomas Erskin; Conservator; Elimosinar. Holyrood-house, 27th January.

Report by Commissioners on the cunyie, and Act of exoneration in favour of the officers of the cunyiehouse.

Alexander, Lord of Fyvie, president, Sir James Elphingstoun of Barnetoun, secretary, Mr. Thomas Hammiltoun of Drumcairne, advocate, Mr. Johnne Prestoun of Fentounbarnis, collector, and Mr. George Young, archdeacon of Sanctandrois, appear and declare that they and sundry others of the Privy Council met together divers times in the cunyiehouse in the burgh of Edinburgh, and there, according to their commission, caused the officers of the cunyiehouse to open the two assay boxes wherein were the tickets and assay pieces of "every jornay particularlye" (1) of the £4 pieces of gold; (2) of the new half merk pieces of silver of the fineness of
Page 186. 10 deniers, 12 grains; (3) of the "thrissill noblis of gold"; (4) of the £4 pieces of alloy; (5) of the £5 pieces of gold and 10s. pieces of silver coined in the time of the first partners and tacksmen of the cunyiehouse, whose entry thereto was upon 4th February 1593; (6) of the said £5 pieces of gold and 10s. pieces of silver coined in the time of Thomas Foullis, tacksman of the cunyie, and the Lairds of Colintoun, elder and younger, his assignees; (7) of the new £6 pieces of gold coined from 28th December 1601 to 30th November 1602 inclusively, extending to 208 assays, and comprehending the whole time that the Master of Elphingstoun and the late tacksmen coined the said gold; (8) of the new merk pieces of silver coined from 29th September 1601 to 30th November 1602 inclusively, extending to 269 assays, and comprehending the whole time that the said Master and the said late tackmen possessed the said house in coining the said merk pieces of silver. Which tickets and assay pieces having been broken up by the said commissioners, and the fineness thereof compared
Page 187. with the "particulair dayis jornayis" mentioned in the wardens' registers, they report that they found the said tickets of assay to answer in fineness and correspond in number to the "particulair dayis jornayis" mentioned in the wardens' registers. The "pruiff of the quhilkis haill assayis of gold, silver and allayed money, particularlie abonespecifeit, being all meltit severalie be thameselffis and cassin in severall lingottis, and the assay of fynnes of every lingott being lykwayes tane be itselff and the samin tryit be the fyre and uthirwayes" and thereafter comptrolled by the said commissioners, they found all the said assays and "lingottis of the same respective abonewrittin to keip the just fynnes appointit in the severall Actis and ordinanceis of Esteatis maid thairanent and past not beneth the graynes of remeid prescryvit in the same Actis."—Whereupon, the King and Council declare that the general, master coiner, warden, counterwarden, sinker, assayer, and all other officers and workmen of the cunyiehouse, have faithfully executed their offices, and exoner them accordingly.

Page 188. Complaint by Mr. Williame Leslie of Civilie that, he having, in

Mr. William Leslie against Menzies of Pitfoddels for imprisoning his messenger while carrying certain writs to be used in a law plea.

February 1595, sent Alexander Smith, his servant, with sundry writs to his men of law in Edinburgh for use in certain actions which he had depending before the Lords of Council and Session, Menzeis of Pitfoddellis, understanding that Smith was in Abirdene on his way to Edinburgh, searched for him, and, at last finding him, put him prison in the "voult of his awne ludgeing" there, kept him in the same three days and three nights, and would not grant him his liberty till he knew that the diets had expired wherein the said writs were to be used.—Both parties appearing, the King and Council remit this matter to the Justice-General. Acta 1602-3. Page 189.

Sir John Home against Patrick Hamilton for acts of violence and oppression: Decree of absolvitor.

Complaint by Sir Johnne Home of Northberuick, as follows:—Upon 27th September 1600, Patrik Hammiltoun of the Peill of Levingstoun came, with many of his friends and servants, to the pursuer's lands of Grangebreich, and there sought Johnne Hammiltoun, pursuer's tenant, for his slaughter, but, not finding him, reft his best horse. Again, upon the day following, being the Sabbath day, the said Patrik, with 16 others, all armed, came to the said tenant's house, broke up the doors, windows and easings thereof with great joists, pursued him, and wounded sundry of his servants with long staves. They then trod down and destroyed his corns with their horses and spuilyied all the shorn corn. Again, in May last, the said Patrik came to the pursuer's lands of Grangebreich and there broke the ground thereof with a plough and sowed the same with bear.—Both parties appearing, and the defender having alleged that no process should be granted in this matter, because, upon 22nd June 1601, after the acts foresaid, he and pursuer had submitted all actions between them to James Stewart, portioner of Strabroick, and James Carmichaell of Pottieshaw, as amicable compositors, and these compositors had pronounced a decree arbitral therein at Lynlythgu 23rd October 1601, the Lords, in respect thereof, assoilzie the defender, reserving pursuer's right of action for compelling him to fulfil his part of the said decree arbitral. Page 190. Page 191.

Suspension of letters of horning against Walter Herries for not appearing to a charge of having attended mass.

Complaint by Walter Hereis in Knokshynnauch that he has been put to the horn for not answering for his alleged hearing of mass. As he had never received any intimation of the charge to appear, and had found caution in 500 merks to answer on the 25th instant, the said horning should be suspended.—Charge had been given to Sir George Home of Spott, treasurer, and Mr. David Barclay, minister at Drumfreis, to answer; and now, the pursuer appearing, but neither of the defenders, the Lords do suspend the said horning. Page 192. Page 193

John Buchanan against Robert Galbraith for assault: Defender ordered into ward.

Complaint by Johnne Buquhannane, writer to the signet, as follows:—Robert Galbraith of Culcreuch had conceived malice against him because of the honest discharge of his duty to certain of his clients with whom Galbraith had plea; and, upon 14th instant, while both were at supper in the house of Mr. Johnne Dalyell, "the said complenair being sittand at table in a familiar and sociall maner and decentlie behaveing himselff in all respectis," Galbraith, without any warning, "cruellie straik and woundit" him in his head, to the great effusion of his blood and peril of his life, and Page 194.

Acta 1602-3. would have slain him but for his own "bettir defence" and the assistance of those at table.—Both parties appearing, and the defender confessing that he had wounded the pursuer, the Lords ordain him to enter in ward in Edinburgh Castle and remain there till relieved.

Page 195. Complaint by Sir George Home of Spott, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, that Sir Hary Lindsay of Carrestoun, who, in respect of his office in the household, ought to be a good example to others, had, on instant, accompanied by ten or twelve persons in arms, gone to Perth in search of Patrik Eviot, and, on finding him on the South Inch, shot ten or twelve hagbuts and pistolets at him, so that, if he had not escaped in a "litle boit lyand at the wattersyd," Page 196. he would have been killed.—Pursuers and defender appearing, and the latter having confessed that some of his company shot at Eviot by his direction, the Lords ordain him to enter in ward in Edinburgh Castle and to remain there till his Majesty declare his will in the case.

Sir Harry Lindsay to be warded for using hagbuts and pistolets.

Notwithstanding the proclamations for all lieges of certain degrees, within certain bounds, to meet his Majesty at Dundee, upon 9th February next, Holyrood-house, 31st January.[1]

[1] This was the date of an extraordinary incident in Edinburgh; viz., the hanging and quartering of the dead body of a certain Francis Mowbray, about whom there had been much public gossip for two or three months past:—He was one of the Mowbrays of Barnbougle, a beautiful property on the Firth of Forth, near Edinburgh. The family, the head of which was Sir John Mowbray, Laird of Barnbougle, had been gradually coming down in the world, and the members of it were much dispersed. Two of the daughters, Barbara and Gilles, had been among the gentlewomen in attendance on Queen Mary at the time of her execution; Barbara had since then married and settled in Antwerp; some of the other daughters were married in Scotland. Francis, one of the sons, of whom there are traces as an unruly youth about Barnbougle as early as 1593, and as having been in the retinue of Scott of Buccleuch about the time of the "Kinmont Willie" exploit of 1596, had been for some time abroad, at Brussels and elsewhere, but had returned to Scotland, where he is found in prison for a while in the course of 1601 on a charge of Roman Catholic plotting against the King. Latterly he had been at London; and letters are extant showing that he was in communication with the English minister, Sir Robert Cecil, and receiving pay from Sir Robert for some services or other. About the middle of 1602, however, Sir Robert and the English Council had been perplexed by information from an Italian fencing-master in London, named Daniel Archideaquila, to the effect that Mowbray had confided to him some plot for poisoning or otherwise assassinating the Scottish King. There were communications on the subject between Edinburgh and London; and, in October 1602, both Mowbray and his Italian accuser had been sent down to Scotland that the matter might be investigated. There had been repeated examinations of both, the Italian adhering to his charges and Mowbray denying them, with the result that the two were kept in confinement in the Castle of Edinburgh till it should be decided by public combat between them which was the liar. The 5th of January 1603 had been appointed for the combat, the place to be the great close of the Abbey of Holyrood; but, in consequence of the expected arrival of fresh witnesses from London, the duel had been postponed. Upon the 29th of January, though there is no mention of the fact in the Register of Council, the King and Council had been busy with a final examination of Mowbray and the Italian in presence of the new witnesses; after which the two prisoners had been taken back to their separate rooms in the Castle. Next day, January 30, was a Sunday; and about eight o'clock on the evening of that day Mowbray tried to escape by letting himself down from his prison window by means of a rope he had made of pieces of his sheets and blankets. The rope being too short, or, as one report bears, having been shaken above by the keepers, who had become aware of his attempt and run to the window, he fell on the rock. He was picked up immediately, but shattered and speechless, and he died about three

Prorogation of the raid to Angus to 8th March.

and at Brechin upon 10th February, for suppression of apparent rebellion in Angus (*ante*, p. 525), his Majesty, in consideration of "certane weghtie effearis" that have befallen since, prorogates the expedition to Angus to 8th March next, with full purpose "preceislie to keip that dyet." Acta 1602-3. Page 197. Accordingly, there is order to charge the said lieges to meet the King at Dundee on 8th March next, well armed and provided with 20 days' victual, to the effect foresaid.

Holyrood-house, 1st February.

Sederunt—Chancellor; Mar; Treasurer; Secretary; Uchiltrie; Elphingstoun; Fyvie; Spynie; Newbottle; Ros; Blantyre; Halyruidhous; Comptroller; Advocate; Elimosinar; Conservator.

To denounce George Piriesoun

George Periesoun in Sanctandrois, failing to appear as charged to answer touching "his practizeing aganis his Heynes persone and estate," is to be denounced rebel. Page 198.

Henry Wardlaw against Scott of Haining for the entry of certain rebels for whom he is answerable.

Complaint by Henry Wardlaw of Balmaid (? Balmule), Queen's chamberlain, as follows:—Upon 23rd December last, Symon Moffett in Middlesteid, Symon Scott of Bonnyngtoun, Mr. Arthour Scott of Newburgh, Johnne Scott of Kirksteid, Philp Scott of Drihoip, Williame Murray of Kirkhoussis, Andro Ker of Lyntoun, Walter Scott of Thirlstane, Williame Scott of Huntley, Robert Scott of Thirlstane, Archibald Scott of Deiphoip, Adam Tod in Shoitingleis, and Hobie Hoip there, had been put to the horn at pursuer's instance for not paying to him, as chamberlain foresaid, certain sums of money for the feu maills of their lands. They still remain at the horn; and, as they are Sir Walter Scott of Branxholme's men, and the said Sir Walter, at his departure furth of this country, committed the administration of his affairs to Robert Scott of Haning, the said Robert is bound to enter them.—Pursuer appearing, Robert Scott, for neither appearing nor having presented the said rebels, is to be denounced rebel. Page 199.

Protest in favour of Walter Herries.

Walter Hereis of Knokshynnauch, appearing and giving in a copy of the letters raised by Williame Hereis in Corsnak charging him to answer for his alleged ejection of the said Williame and family furth of the lands of Hessilfeild, spuilyie of their goods and plenishing, and certain other Page 200.

o'clock on the morning of Monday the 31st. That same day his dead body was drawn to the Tolbooth; where, on the ground that by breach of ward "the said umquhile Frances Mowbray," accused of "horrible and detestable poyntes of tressone and lesemajestie," had confessed his guilt, sentence was pronounced, forfeiting all the goods of the deceased, and ordaining the dead body to be hanged and quartered at the market cross, and the parts to be set up at the Nether Bow, the West Port, and the Potter Row Port. The sentence was at once executed. The Italian fencing-master, Daniel Archideaquila, was released and rewarded.—The incident, which made a great stir at the time, is duly recorded both by Spotswood and Calderwood; but see also Pitcairn's *Criminal Trials* (ii. 405–409), and, for interesting information about the Mowbray family, a note in the Spottiswoode Club edition of *Spotswood* (iii. 111–117). The *Calendar of English State Papers relating to Scotland* yields many curious particulars about Francis Mowbray and others of the Barnbougle Mowbrays before our present date; and the several volumes of the present Register may be consulted by the Indexes for facts in the history of the family.

PUBLIC LIBRARIES CENTRAL

Acta 1602-3. alleged acts of oppression, protests that, as the said Williame does not appear, he shall not be held to answer farther till warned of new.—The Lords admit the protest.

Sederunt—PRESENTE REGE—Chancellor; Huntley; Cassillis; Mar; Mairshaell; Elphingstoun; Uchiltrie; Fyvie; Neubottle; Spynie; Master of Paislay; Ros; Halirudhous; Blantyr; Treasurer; Secretary; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register: Sir Robert Melvill; Sir Thomas Erskin; Sir Patrik Murray; Conservator; Elimosinar. Holyrood-house, 3rd February.

Act fixing the fee for letters passing the signet in all time coming.

Because of the "grite and extraordinair panes and travellis quhilk ordinarlie followis the office of Secretarie, and respecting thairwithall how that at the first institutioun of the signet the dewitie appointit to be payit thairfoir amonted to the quantitie of ane unce of silver, quhilk
Page 201. being now rissin to three pundis the unce, the ordinair dewitie of the signet is sa far frome the first proportioun as the same is not hable to sustene the chargeis of that office, thair being na uther allowance nor fee appointed thairunto bot that small dewytie quhilk is payit be the signet," —his Majesty therefore, with advice of his Council, by a letter subscribed by him and them, has given licence to the Secretary and his deputes, keepers of the signet, to receive from the lieges, for every single letter which passes the signet, the sum of 10s., answerable to the sixth part of the ounce, the same arrangement to continue in time coming, so that the "pryce of the signett" may be "alwayes ansuerable to the saxt parte of the unce."—Publication hereof to be made by open proclamation at the market cross of Edinburgh.

Robert MᶜNab enters Donald MacInnes accused of theft.

Robert MᶜNab, appearing and entering Donnald MᶜInnes, from whom he bought the goods challenged in his possession by Andro Spalding of Eschintullie, and having thus conformed to the decree of 23rd November last, and to the act whereby James, Commendator of Incheffray, became
Page 202. surety for the said Robert to this effect (*ante* p. 482), protests that he has satisfied the said decree and act of caution. The Lords admit the protest, and ordain MᶜInnes to be committed to ward in the tolbooth of Edinburgh and detained there till redress be made to Spalding for his said goods.

Gift of a jewel to Sir James Sempill for his good services to his Majesty.

His Majesty, remembering the good service done to him by Sir James Sempill of Biltreis, as well at home as abroad, and how faithfully he discharged the "particulair negotiationis committed to his credite," therefore, with advice of his Council, grants and dispones to the said Sir James, his heirs and assignees, "ane jewell,—to witt, ane carcatt and tabulat sett with ane carbuncle of ane diamond and ane grite precious rubie and round about with diamondis, and the said carkett being sett ane pece thairof with a diamond and ane uther pece with an rubie,—of quhatsomevir valour the said jewell be of, the same jewell with the haill peceis thairof forisaidis sometyme pertening to umquhyll his Heynes darrest moder," with full power to Sir James to sue all persons who have the said

jewel in their keeping for delivery thereof to him, and with command to the Advocate to assist Sir James anent the "exhibitioun and deliverie to him" of the said jewel, or the value thereof. Acta 1602-3. Page 203.

Holyroodhouse, 5th February. Caution for James Johnstone, now in ward in Edinburgh.

Caution in £5000 by George Touris, apparent of Inuerleyth, and Johnne Johnnestoun, bailie of the Water of Leyth, for James Johnnestoun, called of Lochhouse, now in ward in Edinburgh Castle, that, on being relieved furth thereof, he shall keep ward in the burgh of Edinburgh till freed by his Majesty's special licence.

Holyroodhouse, 8th February.[1]

Sederunt—Chancellor; Huntley; Cassillis; Uchiltrie; Elphingstoun; Neubottle; Treasurer; Secretary; Bishop of Ros; Bishop of

[1] The preceding day, February 7, 1603, is memorable as the date of an event of great importance in the history of the West Highlands, and especially in the history of the Clan Macgregor. It is known as *The Slaughter in the Lennox*, from the district in which it occurred, or, with greater topographical precision, as *The Conflict of Glenfruin*, the scene having been in the glen of that name between the Gare Loch and Loch Lomond. Calderwood's summary account of it (vi. 204) is as follows:—"Upon the 8th (7th ?) of Februar a great company of sorners and brokin Hieland men of the Clan Mackgregore, to the number of foure hundred men, came doun to Lennox, to reave and spoyle. The people of the countrie conveened to make impediment. There were slaine of the countrie people, speciallie of the surname of Cahowns (Colquhouns), to the number of fourescore persons or thereby, of which number twentie-foure or threttie were landed men of good ranke. The Laird of Luce himself, cheefe of the Cahowns, escaped narrowlie."—The following, extracted from the indictment afterwards preferred against MacGregor of Glenstrae, the chief of the offending clan, and his associates in the business (Pitcairn's *Criminal Trials* ii. 432), tells the story in greater detail;—"Haifing concludit the distructioune of Alexander Colquhoune of Luse, his kyn, freindis, and alya, and the haill surname of the Balquhannanis, and to herrie thair landis, they convenit to thameselffis the Clanhamroune [Clan Cameron], the Clananverich [Macdonalds of Glencoe ?], and dyverse utheris brokin men and soirneris, to the number of 400 men or thereby, all bodin in feir of weir, with hagbuttis, pistolettis, murrionis, mailzie-coittis, pow-aixes, twa-handit swoirdis, bowis, darloches, and utheris wappones invasive, in contraire the tennour of the Actis of Parliament; And, for the performance of thair wicked conclusioune, upon the sevent day of Februare last bypast, come fordward in arrayit battell to the landis of Glenfrune, pertening to the Laird of Luse, —quhair the said Laird of Luse accumpaneit with certane of his freindis, war convenit, be vertew of our soverane Lordis commissioun, to resist the saidis persones crewall interpryses;—And thair set upone him, his kyn and freindis, and crewallie invaidit thame for thair slauchteris; schamefullie, crewallie and barbaruslie murdreist and slew Peter Naper of Kilmahew, Johnne Buchannane of Buchlyvie, Tobias Smallet, bailzie of Dumbarten, David Fallesdaill, burges thair, Thomas and James Fallasdaillis, his sones, Walter Colquhoun of Barnehill, Johnne Colquhoun, feear thairof, Adame and Johnne Colquhones, sones to the Laird of Campstradden, Johnne Colquhoun of Dalmure, and dyverss utheris persones, our soverane lordis leigis, to the number of sevin scoir personis or thairby,—the maist pairt of thame being tane captives be the saidis McGregouris befoir thai pat violent handis on thame and crewallie slew thame: And tressonabillie tuik Williame Sempill and dyverse utheris, our soverane lordis frie legis, and convoyit thame away captive with thame; And, be way of maisterfull stouthreif, staw, reft, and away-tuik sax hundreth ky and oxin, aucht hundreth scheip and gait, fourtene scoir of horse and meiris, with the haill plenissing, guidis and geir, aff the fourscoir pundland of Luse; And at the samyn tyme tressonabillie raisit ffyre in the houssis and barne-yairdis thairof, brunt, waistit, and distroyit the samyn, with the cornis being thairin."—The glen where the conflict took place is now very solitary and peaceful, but retains its name of *Glenfruin* or "The Glen of Sorrow" and the memory of the sad slaughter. There are indeed legends of special atrocities committed by the MacGregors in and after the fight. For some of these see Sir Walter Scott's introduction to his *Rob Roy*. Some of the legends seem to have been inventions of the local imagination

Acta 1602–3.

Caithnes; Haliruidhous; Kinlos; Justice Clerk; Privy Seal; Advocate; Collector; Sir Robert Melvill; Sir Patrick Murray; Sir George Douglas; Kilsyith; Conservator; Elimosinar.

Page 204.

Suspension of horning against Harry Drummond, charged with certain taxes.

Action by Hary Drummond of Kingisfeild, as follows:—He is charged by general letters to pay to Adam, Commendator of Cambuskynneth, for his relief, the sum of 19 merks for each of the following taxations, under pain of rebellion, viz. (1) £100,000 granted for the King's marriage, (2) £100,000 for the Prince's baptism, (3) 200,000 merks, and (4) 100,000 merks. Now, in the charge it is not specified for what lands complainer ought to pay the said taxes; but, if the same are claimed, as is alleged by the Commendator, for the lands of Kettilstoun, occupied by complainer as fermorer, these are not subject in relief of any part of the said taxation: (1) because the complainer's father, having been alive when the first two taxations were collected, ought to have been then charged for payment, and the complainer is neither heir nor executor to his father; (2) because

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complainer is not feuar, vassal, subvassal or tacksman of the said lands to the Commendator, but is only a fermorer thereof to Sir James Sandielandis of Slammannanmure, who is tacksman of the same to Johnne, Marquis of Hammiltoun, who holds the said lands of the said Commendator. Still, the complainer has found caution for payment of the said sums if it shall be found that he owes them; and therefore the said letters of horning should be suspended.—The pursuer appearing, but not the Commendator, the Lords of Secret Council do suspend the said letters.

Page 206.

Andrew Baxter and Andrew Spalding for recovery of certain stolen goods.

Action at the instance of Johnne, Earl of Montrois, chancellor, as follows:—Andro Spalding of Esshintullie, alleging that Andro Baxtar in Kincairdin, the Chancellor's man, reft from him a "blak mouse-hewit meir" five year old, with a foal and filly, and a "browne beld staig," furth of his lands of Esshintullie, has charged the said Chancellor to enter Baxter for redress of the said goods. Now, if any of the said goods are in the possession of Baxtair, he had lawfully bought the same from one Cunynghame, tenant of Sir Johnne Murray of Tullibairdin, who, for relief

Page 207.

of Baxtair, ought to enter the said Cunynhame.—The Chancellor appearing

after the fact; but the fact was fearful enough. The MacGregors, under pretext of following out their feud with the Colquhouns of Loch Lomond, had done a deed of armed violence the like of which had not been heard of in those parts for many a day, and which the Scottish Government could not let pass without severe notice. There were questions at the time whether the MacGregors were really the principals in the affair, or whether they had not been made tools of by the Earl of Argyle on the one hand and the Duke of Lennox on the other, between whom there was a competition of jurisdictions in the Loch Lomond district, and both of whom had ends to serve by fomenting feuds among the Clans under their control. The Earl of Argyle, in particular, by virtue of his commission of lieutenancy in the West Highlands, including as it did a special charge of the lawless Clan Gregor, had for several years been all but absolute master of that clan, with MacGregor of Glenstrae, the chief of the clan, wholly at his bidding. For the relations of Argyle, Lennox, the Colquhouns, and the MacGregors, see *ante*, p. 215, p. 488, p. 507. It was on the doomed Macgregors, however, that the vengeance of the Government was to descend. The *Conflict of Glenfruin* had completed the tale of the misdeeds standing to the account of this specially reckless or specially ill-fated clan.

and entering Baxter, and Williame Murray, apparent of Tullibairden, Acta 1602-3.
appearing for his father, and entering the said Cunynghame, and Spalding being also present, the Lords assoilzie Baxter and the cautioners found by him in Perth, and decern Cunynghame to restore to Spalding the "staig" foresaid, which he confessed to have bought from M°Innair. Murray becomes surety for Cunynghame to this effect.

Holyrood-house, 10th February.

Sederunt—Chancellor; Cassillis; Lynlythqu; Uchiltrie; Elphingstoun; Neubottle; Treasurer; Secretary; Ros; Dunkeld; Kinlos; Haliruidhous; Collector; Advocate; Tracquair; Sir Patrik Murray; Conservator; Elimosinar.

Protest in favour of Robert Campbell.

Robert Campbell, son of Sir Duncane Campbell of Glenurquhy, appears Page 208.
and gives in a copy of the letters raised by Donnald Menteith of Carquhyn charging him, as acting for his father during his absence abroad, to enter Gregour Ammannoch in Glenlednoch, alleged to be his father's man, to answer touching "payment and redres" to the said Menteith for three kye and two oxen reft from him eight years ago. Menteith not appearing, Campbell protests that he shall not be held to answer farther till again cited; and the Lords admit the protest.

Samuel Cockburne against the Laird of Mac-Intosh for the entry of certain persons charged with slaughter, alleged to have been resetted by him: Decree of absolvitor.

Complaint by Samuel Cokburne, brother, and by the other kin and friends, of the late Johnne Cokburne, servitor to Mr. Thomas Dunbar, dean of Murray, as follows:—By Act of Parliament, dated 8th June 1594, every thief and sorner is to be esteemed the man of him whom he accompanies at gatherings or on whose lands he is resetted, or who has received band of manrent or given bands of maintenance for him. Now Page 209.
David Ros, *alias* Scardoch, and Rory M°Coneill, vagabonds, having in February last murdered the said Johnne in the town of Pennick, were upon 4th November last put to the horn at the complainer's instance for not finding caution to underlie the laws for the said crime; and, since the said murder and horning, the said rebels have been divers days and nights resetted on the lands of Lauchlane M°Intoshe of Dunnauchtane, and have accompanied him at divers meetings and gatherings. Farther, the said Laird has received their bands of manrent and has given bands of maintenance to them. He is therefore bound to enter them.—The pursuer Page 210.
appearing personally, and the defender by Johnne M°Intoshe, his son, the Lords assoilzie defender, because pursuer has failed in his proof.

Protest in favour of Andrew Cowan, burgess of Stirling.

Johnne Cowane appears as procurator for Andro Cowane, burgess of Page 211.
Striviling, and produces a copy of the letters raised by Geillis Grahame, relict of James Archibald, burgess of Striviling, charging the said Andro to produce his title to that piece of ground in the said burgh, lying between the high street and her tenement of land, on which he is building, and which she alleges to be within her bounds.—Neither Geillis nor any in her name appearing, the said procurator protests that Andro shall not be held to answer farther till again warned, and may in the meantime proceed with his building; and the Lords admit the protest.

Acta 1602-3. Page 212. Complaint by the said Andro Cowane against the said Geillis Grahame, as follows:—Alleging that he troubles her in the possession of her liferent tenement of land lying within the burgh of Stirling, by causing his workmen to build within her bounds, she has obtained letters of lawburrows, charging him to find caution for her indemnity in body and goods, under the pain of 3000 merks. Now, she has raised the said letters only to trouble him in building a house, which will not be worth £100 at most, upon his own heritage adjacent to her liferent lands. As for molestation of her in body or goods, he is "ane peceable burges and ane Page 213. auld ageit man," incapable of such mischief. Farther, being "ane burges of meane rank and leving," he cannot, by the Act of Parliament, be burdened to find caution in more than 500 merks. Still, for obedience, he has found caution as required.—The pursuer appearing by his son, but the Page 214. defender not appearing, the Lords suspend the said letters, and modify the pain of 3000 merks to 500 merks.

Suspension of letters of horning against Andrew Cowan raised by Giles Grahame.

Complaint by Sir David Murray of Gospartie, comptroller, that, after he and his deputes had confiscated three barrels of tallow which were to be exported contrary to the Acts of Parliament, and while the tallow was in the house of Williame Cuke in Kinghorne, where it was laid till it could be carried to this side of the water, Williame Lyn, servant to Williame, Commendator of Pittinweyme, of the special causing of his said master, Page 215. came this month to the said house and took away the tallow.—The Comptroller appearing by Mr. Thomas Hammiltoun, King's advocate, the defender, for neither appearing nor having given up the tallow, is to be denounced rebel.

The Comptroller against William Lin for intromitting with confiscated tallow.

Page 216. By Act of Council, dated 28th July last, Lauchlane M°Intosche of Dunnauchtane had been found responsible for the broken men of the name of Ros in Murray, and also for all the broken men in Pettie, Brachlie, Stratheirne and Stranarne (*ante*, p. 435). He has, however, been careless to restrain their "misreule and insolence,"—although, if they understood that he was offended with them, they "durst not oppres the meanest subject in the cuntrey,"—and has suffered them ever since to run loose and to sorn upon peaceable subjects.—Having failed to appear to Page 217. answer to this charge, he is to be denounced rebel.

To denounce the Laird of MacIntosh for not keeping order among the broken men within his bounds.

Complaint by Sir George Home of Spott, treasurer, that, notwithstanding the Acts prohibiting the bearing or using of hagbuts, pistolets and culverings, Johnne Frendraucht and Johnne Mitchell in the parish of Killymure, within the shire of Angus, continually carry such arms as their common weapons for pursuit of good subjects in revenge of their quarrels.—The defenders, for not appearing, are to be denounced rebels.

John Frendraucht and John Mitchell to be denounced for wearing firearms.

Page 218. Complaint by Johnne Leslie, son of Normound Leslie in Edindeack, as follows:—James Creichtoun of Frendraucht, having conceived deadly hatred against complainer without cause, and having learnt that he was at the Martinmas market of Stranvoigis upon 4th November last, hounded out Niniane Creichtoun, Johnne Creichtoun, Robert Irvine, William Lumisdane, William Leslie, Rigone Creichtoun, his servants, with certain

John Leslie against James Crichton of Frendraucht for assault committed by his servants at his instance.

others, to the number of ten persons, all armed; who, meeting the complainer at the market, attacked him with drawn swords, batons and rungs, and left him lying on the street in great peril of his life, afterwards returning to their master's dwelling, where they were "gledlie ressett."—The pursuer appearing and passing from the pursuit of said Williame Leslie, the Laird of Frendraucht, for neither appearing nor having entered any of the said assailants, is to be denounced rebel. Acta 1602-3. Page 219.

John Spalding against Alexander Abercromby of that Ilk and his man for not restoring a strayed mare.

Complaint by Johnne Spalding of Gornok, that, in October 1602, a young mare worth £40 having strayed out of his bounds to the lands of Murthlie, belonging to Alexander Abercrumbie of that Ilk, Neill M°Gregour, *alias* Pudrach, the said Alexander's man, intromitted with the said mare, and that, though Abircrumbie had promised to cause redress to be made to complainer, he has at last removed the said Neill from him and refuses all satisfaction.—The pursuer appearing, the two defenders, for not appearing, are to be denounced rebels. Page 220.

Holyrood-house, 15th February.

Sederunt—Cancellarius; Cassillis; Elphingstoun; Newbottle; Master of Paislay; Treasurer; Secretary; Dunkeld; Ros; Caithnes; Comptroller; Collector; Advocate; Privy Seal; Tracquair; Sir George Douglas; Sir Patrik Murray; Sir Robert Melvill; Clericus Registri; Conservator. Page 221.

Walter Scott against certain Armstrongs for great spuilyies committed by them on him and his tenants.

Complaint by Walter Scot of Tuschelaw and his tenants, setting forth (1) that, upon 4th July 1586, Rowie Armestrang of Bromeholme, Niniane Armestrang in Munkbieherst, and Johne Armestrang there, with others, came to his steading of Dudhop and reft ten score sheep belonging to the pursuers; (2) that, upon 14th July 1586, they came to the steading of Medop and reft 24 kye and oxen and 20 score of sheep; (3) that, upon 19th July 1586, they reft from the said lands of Medop 36 kye and oxen, 20 score sheep, 3 horses and mares, and the insight of the whole town; (4) that, upon 1st August 1586, they reft out of pursuer's lands of Woulschop 4 score kye and oxen, 40 score sheep, 8 horses and mares, and the insight of the whole town; and (5) that, upon 6th August, they reft furth of the lands of Tuschelaw and the Kirkbank 10 score kye and oxen, 50 score sheep, 9 horses and mares, and the whole insight of both steadings.—The pursuer appearing, but none of the defenders, the order is to denounce them rebels. Page 222.

John Ramsay against Scott of Haining for the entry of a certain thief for whom he is answerable.

Complaint by Johne Ramsay of Quhythill, as follows:—Upon 10th October 1601, Sym Ellot of the Bankis, at least Cubbie's Archie, Sym's man, riding upon Sym's brown horse, of his causing, as ringleader of the thieves underwritten,—viz., Hobbie Airmestrang, James Forrester, called Row's Jame, Johnne Thomsoun of Marguerstoun, Dandie Armestrang, called Braid Sword, Adie Bluntwode, Geordie Mitchelstoun, and Johne Airmestrang of Blackburne, with others, all armed with swords, lances, gauntlets, hagbuts and pistolets,—came to the pursuer's dwelling house and lands of Sewingdene at night, and, having first "ran a forrow athort

Acta 1602–3. Page 223. the saidis haill landis," reft a black "ammelling" mare, worth 40 merks, a brown mare, worth £10, a filly, worth £12, ten score ells of linen cloth, worth 6s. 8d. per ell, 3 cloaks, worth £10 each, habiliments worth £100, pots, pans and other plenishing, such as cloth webs "walknit and unwalknit," worth 100 merks. Further, about 4th March last, while the complainer was at Drumfreis in the King's service, the said thieves came again to the said lands and took away with them a brown mare, worth £10, a stand of blue clothes and a doublet of "canues," worth £20, with the whole insight, worth £20, and with that "woundit almaist to the deid" Alexander Murray, and Issobell Ersdane, his spouse, and a bairn four year old. Now, the names of the said thieves, with the portions of the reif which fell to each of them, having been given up to the complainer upon "lairg silver and safer" delivered by him to the informers, he had applied to Robert Scot of Hanyng, keeper depute of Liddisdaill, within which the said Sym and Cubbie's Archie dwell, and

Page 224. had craved justice. Scot, after many excuses and delays, had remitted the trial of the case to Lady Bothuill, promising to do justice according to the verdict. Undeniable evidence having been led by the complainers before Lady Bothuill of Sym's guilt, and Sym having thus been forced to admit the same, the complainer had acquainted Scot therewith; but he still delays to proceed against Sym, and will neither pay to the complainer the value of the goods, with the "safer silver," amounting in all to 630 merks,

Page 225. nor enter Sym Ellot before the King and Council.—Pursuer appearing, Scot of Hanyng, for neither appearing nor having produced Sym Ellot, is to be denounced rebel.

Janet Kennedy, Lady Pinkhill, against William Gordon and William Glendoning for reset of spuilyie.

Complaint by Jonet Kennedy, Lady Pinkhill, and Gilbert Aslowane in Knokintowat and Johne Baird in Culliewraik, her tenants, as follows:— Although Mr. William Boyd in Balchassan, Johnne Boyd, son of Robert Boyd of Larbrex, William M^cCoinell in Glasnik, Cuthbert M^cNeill, his son, David Gray, William, James and Robert M^cBlaynis in Barchassane, servitors to the said Mr. William, have been denounced rebels for not answering to pursuer's charge of oppression, they still continue to trouble heavily

Page 226. her and her tenants. Thus, in June last, the said rebels, all armed with hagbuts and pistolets, of the special causing of William Gordoun in Keltoun, William Glendoning, servitor to Sir Robert Gordoun of Glen, Johnne Blartane in Hartathill, and Mertine Glover in Hempisfeild, came to the lands of Knokticowat, and reft from Gilbert Aslowane, her tenant, two white mares with two foals, worth £50 each, and a gray nag, worth £30,—which goods are resetted by the said William Gordoun and William Glendoning. Again, in July last, the said rebels came to complainer's lands of Chalachvraik and reft from Johne Baird, her tenant, two gray nags and a black nag, which are resetted by the said William Gordoun,

Page 227. Johne Bartane and Martene Glover.—Charge had been given to William Gordoun and William Glendoning to answer; and now, the pursuer appearing by Thomas Dalrumple, her procurator, these two defenders are to be denounced rebels for non-compearance.

The grant of the contents of assay box for this year to poor persons in Edinburgh to be without prejudice to the rights of the general of the cunyie-house.

Although his Majesty, for divers good reasons, and "specialie for releif and supporte of the distressit and indigent personis within the burgh of Edinburgh this present yeir," has given to them, and to James Achisoun, goldsmith in the Cannagait, "the haill gold and silver found within the assay box of the lait sex pund peices of gold and merk peiceis of silver, prentit in the last pairtineris tyme and in the tyme of Alexander, Lord of Elphingstoun, and utheris," yet his Highness, "acknawlegeing that the generall of his Majesteis cunyiehouse, be the libertie and privilege of his office, hes the onlie rycht to the gould and silver within the assay box, and thairfore willing that the present dispositioun maid be his Heynes sall nawyse prejudge the said generall nor his successouris in tyme cuming, and the rather becaus Sir Archibald Naper of Edinbillie, knycht, present generall of the said house, at his Heynes speciall requeist, frelie and willinglie consentit to his Majesteis said gift," therefore, with advice of his Council, declares that this disposition, given "for sa necessar a caus" with the said general's own consent, shall nowise prejudge him and his successors anent their right to the whole gold, silver and alloy which shall be found in the said box in time coming, but that they may intromit therewith as a casualty of their office after the "assay and tryall thairof be tane conforme to the ordour." Acta 1602–3.

Holyrood-house, 17th February.

Sederunt—Cancellarius; Huntlie; Merschall; Elphingstoun; Newbottle; Episcopus Rossensis; Episcopus Cathnes; Kinlos; Treasurer; Secretary; Collector; Comptroller; Advocate; Tracquair; Sir George Dowglas; Sir Patrik Murray; Conservator; Elimosinar. Page 228.

Protest by Colonel Bartilmo Balfour.

Colonel Bartilmo Balfoure, appearing and giving in a copy of the letters of suspension raised by Mr. Alexander Hammiltoun of Kinglas, charging the said Colonel to produce the letters executed against Hammiltoun for buying of armour, with a view to suspension of the same and horning contained therein, protests, in respect of the non-appearance of Hammiltoun, that he shall not be held to answer farther till again warned, and that the said letters of horning shall be put to farther execution.—The Lords admit the protest and ordain accordingly.

James Strauchan against John Anderson for cutting down his trees: Decree of Absolvitor

Complaint by James Strauchane of Eschindie that, in May, June, July, August and other months of 1601, Johnne Andersoun in Burnesyde, with his accomplices, came to the part of the pursuer's lands called Scroghill and cut down "ane grite quantitie of the alloun treis", which they carried away, and that daily since then they cut down such trees, thus not only oppressing the complainer, but contravening the Acts of Parliament "anent the planting of grene wode."—Both parties appearing, the Lords assoilzie the defender, because pursuer has failed in his proof. Page 229.

Holyrood-house, 22nd February.

Sederunt—Lennox; Chancellor; Linlythqu; Elphingstoun; Ros; Dunkeld; Kinlos; Halyruidhouse; Treasurer; Secretary; Comptroller; Collector; Justice Clerk; Privy Seal; Clericus Registri; Page 230.

Acta 1602-3.

Advocate; Tracquair; Sir George Douglas; Sir Robert Melvill; Kilsyth; Conservator.

Suspension of horning against Sir William Stewart, charged with payment of a tax.

Complaint by Sir William Stewart of Tracquair that, having been charged to pay to Sir Walter Scot of Branxholme, chamberlain of Ettrik Forrest, Robert Scot of Hanyng, his factor, and James Scot of Quhythop, chamberlain depute of Ettrik Forrest, £93, 6s. 8d. for his part of the taxation for the Prince's baptism for his lands lying within the lordship of Ettrik Forrest, and having obtained suspension of the said charge, he is still sued by the said persons, "misknawing the suspension," and is thus constrained to raise a a new suspension.—The pursuer appearing and producing three letters of suspension of the said charge, but none of the defenders being present, the Lords suspend the said charge.

Page 231.

Holyrood-house, 24th February.[1]

Sederunt—Lennox; Cancellarius; Huntlie; Linlythqu; Uchiltrie; Elphingstoun; Newbottle; Master of Paislay; Bishop of Ros; Bishop of Dunkeld; Blantyre; Bishop of Caithnes; Halyruid-house; Treasurer; Comptroller; Collector; Justice Clerk; Advocate; Clericus Registri; Tracquair; Sir Robert Melvill; Sir George Dowglas; Sir Patrik Murray; Conservator.

Magistrates of Jedburgh to be denounced for not appearing to a charge by Sir William Stewart of indulgence to two persons in ward in their Tolbooth.

Complaint by Sir William Stewart of Tracquair, as follows:—Helene Grymeslaw, Lady Newtoun, and Mr. Robert Ker, her spouse, having been, in August 1601, put to the horn at complainer's instance for not paying him certain sums, and having continued at the horn, warrant had been obtained from his Highness, while he was in Jedburgh, to commit them to ward in the tolbooth there. They are now, however, in free ward in the said tolbooth, lying nightly in their own houses, and are in as great liberty as if they were not under arrest; whereby they are encouraged to continue in their rebellion, and the pursuer is frustrated of his debt.—Charge had been given to Robert Ker of Ancrum, provost of the said burgh, and to Johnne Allie, Adame Rutherfurd, Mr. Johnne Rutherfurd, and William Broun, bailies there, to enter the said rebels before the King and Council; and now, complainer appearing, but none of the said defenders, the order is to denounce them rebels.

Page 232.

Adam Veitch against Scott of Thirlstane and Scott of Haining for violence done by two of their men.

Complaint by Adame Veitch in Fachane that, upon 5th instant, William and Thomas Scott, called of Hundilshoip, with others, all armed with hagbuts and pistolets, came to the lands of Fechane and there destroyed complainer's plough, reft his "plew irnis," assaulted his ploughmen, and left them for dead. As the said persons are Robert Scot of Thirlstane's tenants, and dependers of Sir Walter Scot of Branxholme, the said Robert, and Robert Scot of Hanyng, as acting for the Laird of Branxholme during his absence abroad, are bound to enter them before

Page 233.

[1] "Upon the 23rd of Februar, after long travell taikin by the King, the Erle [Marquis] of Huntley and the Erles of Murrey and Argile were reconciled, after long feed for the slaughter of the Erle of Murrey" (Calderwood, vi. 205).

the King and Council.—Pursuer appearing, the said two Scots are to be denounced rebels for non-appearance. Acta 1602-3.

Treasurer and Advocate against the Laird of Humbie for contravening the game Acts.

Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, as follows:—By an Act of Parliament, the slayers of "hart, hind, da, ra, Page 234. hairis, cunyngis" and other beasts, without the owner's licence, are to be punished as for theft of horses and oxen (Acts of Parl., 1587, c. 43, iii. p. 453); and by another Act of Parliament no person may hunt or hawk within six miles of any of the King's woods, parks, castles and palaces, or slay hares or any kind of wild fowls in snow, under the pain of £100 (1597, c. 37, iv. p. 140). Yet, on 24th January last, James Sommervaill of Humbie and Hew Lindsay in the Kirktoun of Newtoun, with others, "huntit and slew hairis in the snaw" within the bounds of Raiflaw, without the consent of the owners thereof, the said persons being at the same time within six miles of the palace of Halyruidhouse,—whereby both said Acts have been violated.—Parties appearing, and Somervell having first desired that the matter might be remitted to the judge Page 235. ordinary, but afterwards submitted himself to his Majesty's will for the said crime, while Lindsay denies the crime altogether, the Lords deliver Somervell to Andro, Lord Stewairt of Uchiltrie, to be kept by him till the King declare his pleasure towards him.

Claim of Archibald Hamilton for exemption from the Act requiring purchase of certain arms from Sir Michael Balfour.

Complaint by Archibald Hammiltoun, apparent of Bairfute, that he has been charged, at the instance of Sir Michaell Balfoure, to buy the arms prescribed in the Act of Convention, under pain of horning. The charge against him is general, not specifying the arms he should buy; and, besides, it is only persons having 15 chalders of victual in yearly rent that are required to buy a stand of horsemen's arms, and he is "ane gentilman of na present rent or leving bot onlie appeirand of Bairfute," his mother being liferenter thereof and receiver of the maills and duties of the same. Still, he has found caution to buy the arms in case it be found he ought; and therefore the said horning should be suspended.—The Page 236. complainer appearing, and Colonel Bartilmo Balfoure being present for Sir Michaell, the Lords ordain the said letters of horning to be executed against Hammiltoun, but only till he shall buy a stand of footmen's arms.

Act to refund to the Prior of Blantyre part of his super-expenses in the office of Treasury.

The King and Council remembering how Waltir, Prior of Blantyre, "during the tyme of his office of thesaurarie, upoun a special cair and regaird quhilk he had to the furtherance of his Majesteis honnourable adois and serviceis," advanced great sums wherein he is found to be superexpended, and considering that "the commoditie of his full releif and satisfactioun is not presentlie offerit," and willing meanwhile "to gif him a certantie of ane pairt of his releif quhill a better occasioun be presentit heirefter," there is promise therefore by his Highness, with advice of Sir George Home of Spot and of the Lords of Council, to pay the said Prior of Blantyre, furth of the annuity due to his Majesty from England, 11,100 merks in part payment of his super-expenses by mid- Page 237. summer 1606: viz., 3700 merks at midsummer next, 3700 merks at Yule

Acta 1602-3. thereafter, and the other 3700 merks at midsummer 1606,—with an undertaking by his Majesty to do nothing anent the said annuity whereby Blantyre may in any way be frustrated of payment.

Colonel Bartilmo Balfoure, appearing as procurator for Alexander Jamesoun, factor for Sir Michaell Balfoure, now abroad, and giving in a copy of the letters raised by Alexander Kincragy in Haltounhill, charging Jamesoun to produce the letters executed against Kincragy for buying Page 238. arms in order to the suspension of the same, protests, in respect of the non-appearance of Kincragy, that the said letters shall be put to farther execution. The Lords of Secret Council admit the protest and ordain accordingly. They ordain also, on similar grounds, that the letters raised by Alexander Jamesoun requiring James Sibbald of Rankilour to buy arms from him as factor for Sir Michaell Balfoure shall be put to farther Page 239. execution against Sibbald.

Colonel Bartilmo Balfour against Alexander Kincraigy and James Sibbald for neglect to buy arms from the factor of Sir Michael Balfour.

Complaint by Sir George Home of Spot, treasurer, and Mr. Thomas Hammiltoun of Drumcairne, King's advocate, for his Majesty's interest, that James Gordoun, apparent of Lesmoir, daily carries hagbuts and pistolets, having one or two pistolets with him whenever he goes from his own house, and using the same as he does his sword.—The pursuers Page 240. appearing, the defender, for not appearing, is to be denounced rebel.

To denounce James Gordon for not answering to a charge of wearing fire-arms.

Holyrood-house, 26th February.

Notwithstanding the proclamations charging persons of certain ranks and degrees dwelling within certain bounds to meet his Highness at Dundie upon 8th March next for repressing "some rebellioun intendit" in Angus (*ante*, p. 532), yet, because of the "lait monstrous and cruell barbaritie committit be the wicked and unhappie race of the Clan Gregour upoun his Heynes peciable and gude subjectis of the Lennox" (*ante*, p. 534, n), his Majesty has prorogated the meeting of the forces foresaid till 1st April next, the time appointed by the King and Council for the "persute of that wicked and unhappie race of the Clan Gregour quhill they be alluterlie extirpat and ruitit out," so that his Majesty "at that tyme may be the mair able with the concurrence of his gude and loving subjectis alswell to tak ordour with the rebellioun foirsaid in Angus as to persew the said Clangregour." Open proclamation hereof is ordered to be made at the market crosses of the head burghs within the said bounds, with charge to all and sundry subject to the said raid to Page 241. meet his Highness at the burgh of upon 1st April next, well armed and provided with 20 days' victuals.

The raid to Angus prorogated from 8th March to 1st April, and extended so as to include the Clan Gregor.

Holyrood-house, 28th February.

Order to charge Patrik, Lord Glammis, Alexander, Lord of Spynie, Master of Mortoun, and , sons of the late Mr. William Meldrum of Moncoffer, on the one hand, and Sir Robert Creichtoun of Cluny, on the other hand, to appear, under pain of rebellion, before the King and Council at Perth upon 29th March next, prepared to submit the feud between them, through the slaughter of the said Mr. William, to impartial friends to be nominated by them the said day. Glammis and

Charge to Lord Glammis and certain others at feud to appear and find mutual assurances.

Creichtoun are also to be charged to subscribe to one another such form of assurance as shall be presented to them, to endure till 1st January next, within 12 hours after the charge, under pain of rebellion. Acta 1602-3.

[At this point a volume of the Register ends; and, from the loss of the two succeeding volumes, there is a hiatus in the preserved official minutes of the Acta and Decreta of the Council, extending from the present date, Feb. 28, 1603, to 7th August 1606, save for some unconnected fragments between May 1605 and March 1606. For farther explanation of the circumstances, and for an account of the sources from which the matter has been derived for the partial filling up of the hiatus, so far as the following pages of the Acta and Decreta are concerned, see the Introduction.]

Haddington MS. Excerpts. Fol. 312, a.

Act anent the dewtie of the Signet:—"Anent the supplicatioun presentit to the Kingis Majestie and Lords of Secret Counsail be Sir James Elfinstoun, etc.—Rex: We understanding the great and extraordinar travellis and chairges whilk ordinarlie followis the office of oure secretarie, and how that our Secritar hes na allowance nor fie appointit to him for his panes and service bot that small dewtie quhilk is peyit for the signet, quhilk be the first institutioun, quhen the unce of silver wes within xx s., amonted to the quarter of the unce, and now, the unce of silver being rissin to thrie pundis, the ordinar dewtie of our signet is swa far from the first proportion as the same is not abill to sustene the chairges of the said office. In consideratioun quhairof, and to the effect our Secretar and his successouris may be the mair abill diligentlie and cairfullie to attend and await upon the discharge of thair office, we, withe advise of the Lordis of our Secreit Counsale, have gevin and grantit, and be the tennour heirof gevis and grantis, our licence, pouer and commissioun to our Secriter, and his deputis, keipars of our signet, in all tyme cuming, to ask and ressave fra our leidges for everie singill letter that passis our signet the sowme of ten s., answerabill to the sixt pairt of the unce, and swa to continew in tyme cuming, that the pryce of the signet sall alwayes be answerabill to the sixt pairt of the unce; quhairanent thir presentis salbe a perpetual warrand. Quhilk, to the effect foirsaid, we ordaine to be insert and registrat in the Buikis of Sederunt of the Lordis of our Counsall and Sessioun *ad futuram rei memoriam*, and to the effect thair authoritie may be interponit thairto. Subscrivit with our hand at Halirudhous the thrid day of Februar j^{m} sex hundrethe and thrie yeiris. Sic subscribitur: James R.; Lennox; Montrois, cancellarius; Newbottill; Fyvie; Sir G. Home; Blantyre; P. Dunkeld; Mr. E. Bruice; Comptrollar; Jo. Prestoun; Kokburn; J. Cokburne; Mr. T. Hammiltoun; Clericus Registri; P. Murray." [Compare p. 533]

3rd March. Augmentation of the dewtie of the Signet. [Recitation in new form of an Act of 3rd February preceding.]

Act in favour of the Erle of Murray:—His Majesteis promeis, *in verbo principis*, to ratifie in the nixt Parliament to my Lord of Murray, etc., the chartour granted to James, Erle of Murray, his gudschir, of the erledome of Murray, chartour granted to his gudschir of the lordschip of Downe, the chartour granted to the said umquhill Erle of the erledome of Buchane, lordschip of Auchterhous, and baronie of Glendovachie, the lands of the bischoprik of Murray, the landis of the abbacie of Santcomes, and to dispone of new the saidis haill lands in Parliament, to grant the warde landis in taxt warde, and als to ratifie and give new infeftments of the burrow maillis of Elgin and Forres, and the customes of the salmond fischeings within the sherefdome of Murray.

8th March. His Majesteis promeis to the Erle of Murray to ratifie his infeftments in Parlement.

That evrie ane of thame, betuix and midsomer nixt, sall levie and tak up threttie men of weir, weill provydit and weill furneissed with armour, powder and bullet, and thrie scoir bollis meill, and sall pas in proper

Cautioun fund for the portionaris of the Lewis.

persone with thair said cumpany to the Lewis for recoverie of the same; and, gif thair victualls foirsaids and the victuall to be fund in the cuntrey sall not be fund sufficient to furneis thame and thair cumpany for yeir and day, they sall mak so mekill mair provisioun in dew tyme as may serve for the said space, under the payne of £1000, besydes the forfaltour of his pairt of the Lewis wha sall failyie in the premisses. And als that ilk ane of the principall pairtenars sall, within yeir and day efter thair landing in the Lewis, big ane sufficient howse of stane and lyme or morter for thair awin defence and suretie, under the payne of forfaltour and amitting of his pairt and richt of the Lewis wha sall failyie herein, to accresce to the rest; and sall also mak payment of his Majesteis dewtie at the termes of payment thairof, beginnand the silver at Witsunday 1604 and the fische at Michelmes thairefter. Haddington MS. Excerpts.

Act in favour of the gentilmen of the Lewis.

That, gif the King be his awin forces possest thame not in the Lewis betuix and Midsomer nixt, the band and cautionarie forsaid to be null. Fol 312, b.

Custume of paper dischairged.

Michaell Flaeburne contrar takisman of the custumes:—The saidis takisman, not compeirand, dischairged to tak custume of paper or of materiallis whairof paper sould be maid.

15th March.

Deforcement remitted to the Session.

Ane actioun of deforcement persewed be Mr. Ch. Abernethie, minister, remittit to the Lords of Sessioun.

Silk as ar nather wourth 300 merks be yeir nor 500 li. in guds frie of bying armour.

Colonell Balfours chairges aganis Alexander Tailyeour in Mongoswellis and William Sinclere in Aberlady for bying armour wer suspendit simpliciter, becaus the saidis persouis, be thair great aith, declairit that they wer nather vailyeant thrie hundreth merk be yeir nor fyve hundreth punds of frie geir.

Johne Thomson contrar Johne Pirrie: ane stollin hors challenged and passing be many warrands, the last warrand ordanit to have him and pay his pryce.

"Anent our Soverane Lordis letters raisit at the instance of Johnne Thomson in Quhittingham, makand mentioun that quhair, he haifing lauchfullie, in ane oppin mercat at the West Port of Edinburgh, bocht and ressavit fra Johnne Peirrie in Pilmur ane broun hors, and the same hors being ane lang tyme in his possessioun, he wes at lenth laitlie, upoun the day of last, challengit be George Setoun in Tranent, quha haveing callit and convenit the said Johnne Thomsone befoir his Majestie and the saidis Lordis upoun the .. day of last for restitutioun to him of the same horse, for his releif out of warde quhairin he hes remanit this lang tyme bygane for his allegit steilling of the said hors furth of the boundis of Berwik, he obtenit decreit aganes him to the effect forsaid; quhilk decreit the said Johne Thomsone hes maist willinglie obayit: And, seing he bocht the said horse in ane oppin marcatt fra the said Johne Perie, not knawing quhidder he wes stollin or not, and that the same horse is evictit fra him in maner foirsaid, ressoune and equitie wald that he had his releif of the said Johne. And anent the chairge gevin to the said Johne Perie to have compeirit personallie befoir the Kingis Majestie and Lordis of Secreit Counsall at ane certane day bygane to have hard and sene him decernit to mak payment and satisfactioun to the said complenar of the sowme of fyftie merkis money, quhilk

Haddington MS. Excerpts.

he delyverit unto him for the said horse, under the pane of rebellioun and putting of the said Johne to the horne, with certificatioune to him and he failye letters sould be direct simpliciter to put him thairto,—lyk as at mair lenth is contenit in the said letters, executioune and indorsatioune thairof. Quhilkis beand callit, the said persewar compearand personallie, and the said defendar being lykwayis personallie present, with Johne Nicoll in Wareistoune, quha wes ressavit and admittit for his enteres, and quha confessit and declarit in presens of the saidis Lordis that the horse foirsaid wes his and that he onlie desyrit the said Johne Perie to sell the samyn horse to the said persewar. Quhilk horse being exhibite befoir the saidis Lordis; and Johne Drysdaill in Tullicoultrie, the said Johne Nicoll, his warrand, fra quhome he bocht the said horse, and Alexander Drysdaill in Drymmie, the said Johne Drysdaillis warrand, fra quhome he bocht the said horse, compeirand lykwayis all personallie, conforme to the charges execute aganes thame to that effect; and the said horse being sene be thame and confessit to be the samyn horse that wes sauld be thame to utheris; and all thair reassones and allegationis being hard and considerit be the Lordis of Secreit Counsall and thay ryplie avysed thairwith: the Lordis of Secreit Counsall ordanis the same horse to be randerit and delyverit to the said Alexander Drysdaill, as to the last warrand fra quhome the same wes bocht, and decernes and ordeanis him to mak payment to the said persewar of the sowme of fyftie merkis, as for the pryce off the same horse, and ordeanis letters to be direct aganes him for that effect give neid beis in forme as effeiris."

Fol. 313, a.

17th March. [Cause between David Kennedy and Lady Sinclair continued.]

The Lordis of Secreit Counsall contenewis the actioun and caus intentit and persewit be David Kennedy, wricht, indueller in Edinburgh, aganis dame Elizabeth Forbes, Lady Sinclar, tuiching the committing of certain pointis of oppressioun upoun the said David, at lenth specifeit and contenit in the letters direct thairanent, upoun the sevintene day of May nixt to cum [Deleted].

Relaxation in favouris of James Douglas of Spot.

"The Kingis Majestie and Lordis of Secreit Counsall ordanis letters to be direct to officeris of armes, shereffis in that pairt, chairgeing thame to pas and, in his Hienes name and authoritie, relax James Dowglas of Spott fra the proces of horne laid againes him for his not-comperance personallie befoir his Majestie and the saidis Lordis at a certane day bygane, to have ansuerit to sic thingis as sould have been inquirit at him at his comeing, tuiching his assisting and pairttaking with Francis, sumtyme Erle of Boithuell, and utheris his rebellious complices in his tressonable enterpryssis attempted againes his Majesteis persone at his Hienes palaceis of Halirudhous and Falkland and at Leith, and fra all utheris horningis quhilk hes bene usit and execut aganis him for that caus, or ony uther thing done or attempted be him prejudiciall to his Majesteis persone, honnour and estait in ony tyme bygane preceiding the dait heirof, ressave him to his Majesteis peax, and gif to him or ony in his name the wand thairof simpliciter in tyme cuming." [See *ante*, vol. v. pp. 100, 101, *et seq.* by Index; also, present vol., p. 173, footnote.]

24th March. Chairges for armour aganis ane bairne at the scuile suspended whill his perfyte aige.

The Laird of Thornetoun Strauchan being chairged by Colonell Balfour to by sik stands of armour as effeiris to his estait, [it is prayed that the charge be] suspended upoun his minoritie, [by reason] that he wes at the schoule, unmeit and unhabill for armour or for service, and had na pairt of his leiving, bot the same wes hailelie possessed be his gude-mother and uther lyfrentares. In respect whairof the letters wer suspended whill his perfyte aige. Haddington MS. Excerpts.

26th March. Proclamation: Bordourars dischairged to ryde in Ingland, under the payne of treason.

"Forsamekill as the Kingis Majestie and Lordis of Secreit Counsall ar suirlie informit that the brokin men of his Hienes Bordouris, quha hes ever bene accustumat upone everie occasioun to brek louse and to mak incursionis upone the inhabitantis upone the opposite Marche, intendis now, upone certane occasiounes unknawin to his Majestie, to brek [lowse] and in trouppis and companeis to ryd in Ingland, and committ reiffis and utheris insolenceis quhair thay may find advantage, heichlie to his Majesteis contempt and perrelling of the guid and happie pace quhilk sua lang hes continewit betuix the tua realmes, without remeid be provydit: Thairfoir his Majestie, with awyse of the Lordis of his Secreit Counsall, ordeanis letters to be direct to command, chairge and inhibite all and sindrie his Majesteis legeis and subjectis, inhabitantis within the thrie wardanreis of this realme, be oppin proclamatioune at the marcat croces of the heid borrowis within the same wardanreis and utheris places neidfull, that nane of thame presume nor tak upone hand, upone ony occasioune quhatsumevir, to brek lowse or to ryd in England nor to committ ony insolencis prejudiciall to the guid and happie peace, bot that they content thameselffis in quyetnes, forbeiring all occasionis directlie or indirectlie quhilk may procure truble or unquyetnes, or the disturbance of the said happie peace, under the pane of deid: certifieng thame that failyeis or dois in the contrair that, immediatlie efter thair brek, thay salbe followit and persewit, as rebellis and traittouris to thair Prince and cuntrie, with fyre and sword and all rigour and extremitie. And siclyke to command and chairge the wardanes of the saidis thrie Marches and kiepar of Liddisdaill, and thair deputtis, to tak diligent cair and attendance that na brek be within the boundis of thair offices, and, quhair thay find ony appeirance or intentioun in ony persone quhatsumevir to brek or ryd in England, that thay immediatlie tak and apprehend the same persones and committ thame to waird quhill thay understand his Majesties will and plesour towardis thame."

Proclamatioun: Schippis dischairged to mak saill without his Hienes licence.

"The Kingis Majestie and Lordis of Secreitt Counsall, for certane caussis and considerationis moving thame, tending to the furtherance of his Majesties service, ordeanis letters to be direct to command and chairge and inhibite the maisteris, awneris, skipparis and maryneris of quhatsumevir schippis and veschallis within the realme, be oppin proclamatioune at all places neidfull, that nane of thame lowse, depairt nor mak saill to ony pairtis furth of this realme without his Majesteis licence had and obtenit to that effect, under the pain of deid and confiscatioune of thair saidis schippis to his Hienes use." Fol. 313, b.

Haddington MS. Excerpts.

[The following documents read in Council:—]

[I.] The first proclamatioun maid in Ingland in his Majesties favour, 24th March 1603:—

[29th? March.] Proclamation in Ingland of his Majesties titill to the crowne of Ingland

"Forasmuche as it hath pleased Almightie God to call to his mercie out of this transitorie lyff our Soverane Lady, the heighe and mychtie Princes Elizabeth, leat Queene of England, France, and Ireland, by quhais death and dissolutioun the imperiall crounes of thais realmes foirsaid ar now absolutlie, hollie and sollie, come to the heich and michtie Prince James the Sext, King of Scotland, quho is lineallie and lawfullie discendit frome the body of Margaret, dochter of the heich and renowned Prince Henrie the Sevinth, King of England, France, and Ireland, his greit-grandfather, the said Lady Margaret being lawfullie begottin of the body of Elizabeth, dochter to King Edward the Fourth, by quhilk happie conjunctioun baith the houssis of York and Langcaster wer unittit, to the joy unspeikable of this kingdome (formerlie rent and torne by long dissentioun of bloody and civile weiris), the same Lady Margaret being also the eldest sister of Henry the Eight, of famous memorie, King of England as afoirsaid: We thairfoir, the Lordis spirituall and temporall of this realme, being heir assembled, unitid and assisted with those of hir lait Majesteis Previe Counsall and with greit numeris of utheris principall gentilmen of qualitie in the kingdome, with the Lord Maior, aldermen, and citizens of Londone, and a multitude of utheris guid subjectis and commonis of this realme, thristing now efter nothing so muche as to mak it knawin to all personis quho it is that by law, by lineall successioun, and undoutit richt, is now becum the onlie Soverane Lord and King of theis imperiall crownes, to the intent that, by vertew of his pouer, woisdome and godlie courage, all thingis may be provydit for and executed quhilk may prevent or resist other forrane attemptis or popular disordour, tending to the breache of the present peace, or to the prejudice of his Majesteis future quyet, do now heirby, with ane full voice and consent of toung and hart, publiche and proclame that the heich and michtie Prince JAMES THE SEXT, King of Scotland, is now, by the daith of our lait Soverane Quene of Ingland, of famous memorie, become also our onlie lawfull, lineall and ryghtfull leige Lord, JAMES THE FIRST, King of Ingland, France and Irland, Defendar of the Faith; to quhome, as to our onlie just Prince, adorned (besydis his undoubtit right) with all the rairest giftis of mynd and bodie, to the infenit confort of all his pepill and subjectis that sall leve under him, we do all acknawlege all faith and constant obedience with all hertlie and humble affectiouns quhatsumever, that in this just and lawfull Act of ours we ar resolvit, be the favour of Godis holie assistance, and in the zeale of our awin conscience (warrandit by certane knawlege of his manifest and undoubtet richt, as hath bene said befoir), to mantene and uphald his Majesteis persone and estait as [our] onlie undoubtit Soverane Lord and King, with the sacrifice of our lyveis, landis, guidis, freindis and adherentis, againes all puer, force and practeize that sall go about by word or deid to interrupt, contradict [or] impugne his just clames, his entrie unto this

kingdome or ony pairt thairof at his guid pleasour, or disobey such royall directionis as sall come frome him; to all quhilk we ar resolved wholy to yeild ourselffis unto the last drope of our blood be spent for his service. Heirby willing and commanding, in the name of our Soverane Lord, James the First, King of all the foirsaidis kingdomes, all lueetennentis, deputy lieutennantis, shereffis, justices, maioris, baliffes, constables, heid boroughes, and all utheris officeris and ministeris quhatsumever, that thay be ayding and assisting frome tyme to tyme in all thingis that ar or salbe necessar for the preventing, resisting and suppressing of ony dissordourlie assembleis or uther unlawfull act or attempt, ather in worde or deid, againes the publick peace of the realme, or any way prejudiciall to the rycht, honnour, stait or persone of our only undoubtit and deir Lord and Soverane that now is, James the First, King of all the saidis kingdomes, as thay will avoyde the perrellis of his Majesteis heich indignatioun and thair awin utter ruyne and confusioun: beseiking God to blesse his Majestie and his royall posteritie with lang and happie yeiris to reigne over us. Sic subscribitur: Robert Lee, maior; Johnne Cantuar; Tho. Egertoun, C. S.; Tho. Buckhurst; Nottinghame; Northumberland; Gilbert Schrewsbury; W. Derbie; E. Worchester; Clanricard; George Hunsdoun; Tho. Howard; R. Londone; Rob. Hereforde; Johnne Norwich; Morley; H. Cobhame; Tho. Laware; Gray; E. Cromwell; Rob. Rich; Lomley; G. Chandoys; W. Comtoun; W. Knollis; E. Wottoun; Johne Stanhope; Ro. Cecill; Johne Fortescue; Johne Pophome." Haddington MS. Excerpts. Fol. 314 a.

[II. Missive Letter to King James from the English Privy Council:—]

The missive send be the Counsell of Ingland to his Majestie [announcing his accession to the English throne].

"Richt heich, richt excellent and michtie Prince, and our dread Soverane Lord:—As we can not bot confes unto your Majestie that the greif quhilk we have ressaved by the lose of our lait Soverane Lady, quhais saull in your paleice of Richmonth passed frome hir airthlie body to the joyes of hevin betuix twa and thrie of the clok this morning, wes no les greit then wes our loyaltie and love to hir quhill scho leived, being a Princes adorned with vertew meit for governament, prosperous in the succes of hir effairis, and under quhais obedience we have lived in greitest tranquillitie sa mony yeiris as seldome hapned to Princes to reigne: So we must acknawlege that our sorrow is extinguisched be the impressioun quhilk we have of these heroyicall vertewis of wisdome, pietie and magnanimitie quhilkis we knaw to be in your Majesteis persone, to quhais richt the lineall and lawfull sucessioun of all our lait Soverans dominionis dois justlie and only appertene; quhairin we do presume to profes this much, als weill for the honnour quhilk will thairby remaine to our posteritie as for your Majesteis securitie of a peciable possessioun of your kingdomes, that we have never fund, nather in these of the nobilitie nor in uther of the estaitis of this realme, any denyet honnour [? devidet humour] about the ressaveing and acknawlegeing of your Majestie to [be] the only heid that must gif lyfe to this present maymed body of this greit kingdome, quhilk is so happie as with ane universall consent to have ressavit ane sole, uniforme and constant impressioun of richt of blood as nixt of kinreid to our Soverane

Haddington MS. Excerpts.

deceissed, and consequentlie by the lawis of this realme trew and nixt air to hir kingdomes and dominiones: quhairof we have maid outward demonstratioun by publict proclamatioun on this verie day afoir none, first in the citie of Westmester, at the yet of your paleice of Quhithall, and nixt at the Croce of the Chaipe, within your Majesteis citie of Londone, with ane infeneit applause of your pepill, and with such solempneteis as the chortnes of the tyme wald permitt, agreabile to the custome of the lyk caussis. Off all quhich our zealous and effectionat proceidingis we thocht it our dewtie immediatlie to adverteis your Majestie by these two gentilmen,—Sir Chairles Peirsie, knycht, brother to me the Erle of Northumberland, and Thomas Sommersett, esquyre, sone of me the Erle of Werchester [Worcester],—of quhome we have maid chois to be the beirraris of the letter: Humble beseiking your Hienes to accept the same as the first fruittis and offering of our tender and loyall effectiouns towardis yow, our gratious Soverane, and to rest assurit that the same salbe ever heirefter secundit with all faith, obedience and humble service quhilk salbe in our puer to performe for mantening that quhilk we have begune, evin with the sacrifice of our landis, lyveis and guidis; quhilk we, with all our uther meaines, do heir humblie prostrat at your Majesteis feit, craveing of your Hienes that, seing ye may preserve (? perceive) heirby in quhat estait we remaine, quhilk [is] as it wer ane bodie without a heid, or rather without that spreit heir amang us quhilk frome the heid most gif vigor to ilk member to exercise the dewtie to him belanging, quhairby to keip the haill bodie frome confusioun, yow will be pleasit to enter into consideratioun how sone and in quhat maner sall seme best to your Majestie to inspyre a new lyf in this languisching

Fol. 314, b.

body; the circumstances quhairof ar haillielie to be left to your awin excellent wisdome: holding it aneuch for us heirby to acknawlege ourselfis your trew subjectis, reddie to obey all your commandimentis, with assuiring your Majestie that, as we have heirby, als many of us as hes underwrittin this letter, declairit our recognitioun and humble submissioun to your Majesteis soverane power and rycht, so that we do knaw by all good pruffis that the mynd of the rest of the nobillitie, and all uther quha ar absent in thair severall qualiteis, places and chairges, quhome the tyme not permittit without prejudice of your effairis to assemble sa sone as we wer desyrous that this suld be first performed, and hollie and resolutelie concurring with us in all zeall, dewtie and obedience towardis your Majestie for all thingis that salbe impossid upoun thame be your royall will and pleasour. Forther, we have thocht meit and necessar to adverteis your Hienes that Sir Robert Carie is this morning depairtit frome hence towardis your Majestie, not onlie without the consent of any of us quha wer present at Richmonth at the tyme of our lait Soveranes deceis, bot also contrarie to such commandement as we had power to lay upone him, and to all decencie, guid maneris and respectis quhilk he aucht to sa mony persones of our degrie: quhairby it may be that your Hienes, heiring by a bair repoirt only of the death of our leat Quene, and not of our cair and

diligence in estableisching of your Majesteis richt heir in such maner as is abone specifeit, may ather ressave repoirt or consaive doubtis of uther matour nor (God be thanked) thair is caus yow sould. Quhilk we wald have cleirly prevented give he had borne so muche respect to us as to have stayid for our commoun relatioune of our procedingis, and not thocht it better to anticipat the same. For we wald have bene loath that ony persone of qualitie sould have gone frome hence quho sould not, with report of hir death, have bene hable to relait the first effectis of our assured loyalteis. And, lastlie, it may pleis your Hienes to ressave also this adverteisment,—that of leat wes maid reddie, be the commandement of the Queene our Mistres, a guid fleit of aucht or ten of hir schippis, weill manned and furneist, under the charge of Sir Richard Lowstoune, knycht, to have bene imployit upone the coist of Spaine; quhilk imployment be hir death ceissed for want of commissioune to execute the same, and now is keipit togidder in the narrow seyes to prevent ony sudane attempt frome the Law Cuntreyis; and, for that now thair is nothing heir ather of land or sey that is not yours, it may pleis your Hienes to signifie your plesour concerning that fleit, and quhidder ye will not have it or ony pairt thairof resort to your coist of Scotland, quhair it may serve yow aither for the saif convoy of your persone to this realme, give thair sal be caus to use it in this maner, or to transport ony of yours quhill ye cum by land, or ony uther service. In quhilk poynt we humlie beseik you to mak knawin under quhais chairge it salbe your plesour the haill fleit or ony of thame sall cum to yow. And, this being all that for the present doeth occure unto us to be adverteist to your Majestie by us, quhois myndis ar occupyit about the conservatioun of this your realme in pace, als far furth (?) as be ony power, for your Majesteis service only assumit, the interruptioun thairof may be prevented,—saving that we have sent a lyk coppie of this proclamatioune to your Majesteis deputtie in Irland, to be publeisched in that kingdome,—we will end with our humble prayeris to almichtie God that we may be so happie as spedallie to injoy the comfortable presence of your Hienes royell persone among us, the only object of that glory and these feliciteis quhilk we have in this airth proponit to our selffis. Writtin in your Majesteis Citie of Londone, the xxiiii of Merche 1603, at ten houris of the cloke at nycht:—Sic subscribitur: your Majesteis maist humble, faithfull and loyall subjectis, Ro^{t}. Lee, maior; Jo. Cant.; Thomas Edgerstone [Egerton]; Tho. Buckhurst; Nottinghame; Northumberland; Gilbert Schruisberry; Williame Darbie; E. Welschester [Worcester]; Geo. Cumberland; Robert Sussex; Hareforde; Clanricarde; Hawart; Richert Lundone; Johnne Norwiche; George Hunnisdone; Tho. Howard; H. Cobhame; Gray; Lomeley; Cornewalle; Rob. Riche; G. Chandoyis; Williame Comptone; Williame Knollis; Ed. Wiltoune [? Wotton]; J. Stanhope; Rob. Cecill; J. Fortescue; J. Pophams."

Haddington MS. Excerpts.

[After the reading of these documents the following Acts were passed:—]

Proclamatioun of his Majes-

"Forsamekle as it hes pleisit the maist heich God to call to his maircie

Haddington MS. Excerpts. Fol. 315, a.

out of this transitorie lyff his Majesteis dearest suster Elisabeth, leat ties titill to the croune of England. Quene of England, France and Irland, of worthie memorie, for the quhilk as we have just caus of sorrow sua aucht we to rejoyse in that it not only pleissit hir befoir hir depairtar, according to the princilie dispositioun of hir hart towardis his Majestie in all the course of hir lyfe, to declair his Majestie only air maill and lawfull successour in the imperiall crounes of England, France and Irland, bot lykwayis, conforme to hir said will and his Majesteis undoubtit richt, the Lordis spirituall and temporall of England, being assemblet at Londone the xxiiii day of March instant, assistit with his Majesteis lait dearest susteris Previe Counsall, and with greit nowmeris of utheris principall gentlemen of qualitie of that kingdome, the maior, aldermen and citicenis of his Majesteis citie of Londone, and a multitude of utheris guid subjectis and commonis of that realme, be oppin proclamatioun proclaimit his Majestie thair only richteous leige Lord and undoubtit Soverane, acknawlegeing all faith and constant obedience during thair naturall lyveis, and, in the behalf of thair and his Majesteis posteritie, protesting and denounceing to all personis quhatsumever that thay wer resolvit by Godis holie assistance to mantene and uphald his Majesteis royall persone and estait as thair only undoubtit Soverane Lord and King, with the sacrifice of thair lyffis, landis, guidis, freindis and adherentis, againes quhatsumever force or practize wald go about to interrupt or gainsay the same, as in the proclamatioun of the dait foirsaid, subscrivit be a greit nowmer of the cheif prelattis, noblemen, and maior of Londone, and thame of his Majesteis lait derrest sisteris Counsall, at mair lenth is contenit. And thairfoir his Majestie and the saidis Lordis ordanis letters to be direct to officiars of armes, shereffis in that pairt, chairging thame to pas and in his Hienes name and authorite mak publicatioun heirof be oppin proclamatioun to all his Majesteis guid and loving subjectis within this realme, quhairthrow nane pretend ignorance of the same, and that his Majesteis undoubtit richt to the imperiall crowne fallin to his Hienes, now unitid and incorporat with his Majesteis crowne of Scotland, and authorizit in maneir foirsaid, may not onlie be knawin to all his Hienes guid subjectis within this realme, bot lykwayis may kendile and steir up in the hartis of all his Hienes Scottis subjectis to quhais knawledge thir presentis sall come ane loveing and kyndlie dispositioun towardis all his Majesteis subjectis inhabitantis of England, of quhatsumever qualitie or degrie thay be of, that thai represent and acknawlege thame as thair deirest bretherein and freindis, and the inhabitantis of baith his realmes to obliterat and remove out of thair myndis all and quhatsumever quarrellis, eleistis or debaitis quhilk hes mentenit discord or distractioun of effectioun amangis thame in tyme past, and with ane universall unanimitie of hartis conjoine thameselffis as ane natioun under his Majesteis authoritie for mantinance of his Majesteis royall estait and persone, defence of the haill Iland aganes quhatsumever forrayneris wald disturb the quyetnes thairof, or seditious persones within the same quha ather by remembering of auld querrellis or forgeinng of new

wald minister mater of variance betuix thame quhome God of his maircie haith thus happilie and hartlie united to his Majesteis obedience: certifeing thame quha sall do in the contrair that thay sall incure his Hienes maist havie indignatioun and be puneist in thair bodyis and guidis, to the example of utheris." Haddington MS. Excerpts.

[Town of Berwick.] Act in favour of the towne of Beruik.[1]

1st April. [Act in favour of Sir David Murray of Gospartie, Comptroller.] Act in favour of the Comptrollar:—Becaus, be advancement be his awin credit, the officers of the House ar payed of thair fies and allowances in reddie money, to prepair thame to pas fordward with his Majestie [into England], thairfoir he [is] nawayis to be bund to pay any persone to

[1] The four entries thus clustered together in the Haddington Excerpts distribute themselves over the last week of March 1603, and recall the excitement of that week in Edinburgh in consequence of the news of the death of Queen Elizabeth:—She had died at Richmond between two and three o'clock of the morning of Thursday, March 24, the last day of the year 1602 in the English reckoning, though the Scots, by the new style of reckoning they had recently adopted, called it 1603. Those of her Councillors who were present, having satisfied themselves that she had nominated the Scottish King for her successor, and thus confirmed his other titles to the succession, had drafted a proclamation accordingly, which was published in the streets of London and Westminster before ten o'clock the same morning. There were further deliberations in London during the rest of the day, with the result that late at night a Missive Letter of Allegiance to King James, signed by the Lord Mayor and a number of the chief councillors and nobles, was drafted, and sent off to Edinburgh by Sir Charles Percy, brother of the Earl of Northumberland, and Mr. Thomas Somerset, son of the Earl of Worcester, who took with them also a copy of that morning's proclamation. As the Missive Letter states, however, Sir Robert Carey, son of Lord Hunsdon, had already, early in the morning, of his own accord and without authority, ridden off for Scotland, anxious to be the first to convey to King James the good news of his accession to the English throne. So fast did Carey ride that he was at the gate of Holyroodhouse on the evening of Saturday, the 26th March. The authorized messengers of the English Council seem not to have arrived till Monday the 28th; and it is not till that day, therefore, that the Proclamation and Missive Letter they brought with them, though both dated the 24th, became properly Scottish documents.—They certainly become Scottish documents in the transcripts given above, inasmuch as the English wording and spelling of the originals are there considerably Scotticised. That, however, was then the usual practice in transcribing documents that had just arrived from England; and, doubtless, the scribe of the Haddington MSS. only copied them as they had been already Scotticised in the Register of the Scottish Privy Council, though with some errors or misspellings of his own. The Missive Letter, more nearly in its original English form, is given both by Spotswood (pp. 473–475) and by Calderwood (vi. 206–209). Only in Spotswood are there the appended signatures; and they do not quite correspond in his copy with those given in the Haddington transcript.—The bustle must have been great in Edinburgh for some days after the arrival of the two important English documents; but it was not till Thursday the 31st of March that the third and more purely Scottish document, proclaiming James's new sovereignty to the Edinburgh lieges, was made public. Calderwood's account runs thus (vi. 210):—"The King was proclaimed King of England, Scotland, France and Ireland, at the Croce of Edinburgh, upon the last of Marche; which was done with noise of trumpets, playing upon instruments, singing, and great acclamatioun of the people. Upon the Lord's day before fires of joy shynned upon the Basse and other eminent parts."—For the probable nature of the "Act in favour of the towne of Berwick," associated with the three great documents in the Haddington Excerpts, see Nichols's Progresses of King James, vol. i. pp. 32–33 and p. 39. A letter had been received from the Mayor of Berwick intimating that King James had been proclaimed in that town on the 26th of March; to this letter an answer had been sent from Holyrood on the 27th; and on the 28th the Abbot of Holyrood had been despatched to Berwick to take possession of the town in the King's name.

Haddington MS. Excerpts. whom any pairt of his Majesteis rentis ar assignit or destinat, whilll he be first payed of all his superexpensis and debursementis.

Fol. 315, b. Act in favour of the Thesaurar:—In respect of his voluntar advancement of great sowmes for his Majesties preparatioun [for his journey into England], thairfoir that he sall have retentioun of the first and reddiest of the haill casualities, whill he be payed of all his superexpensis, and speciallie of the present debursementis of this journay. [Act in favour of Sir George Home of Spott, Treasurer.]

"The quhilk day the warrand and letter underwrittin being subscryvit be the Kingis Majestie and Lordis of his Secreit Counsall, his Hienes and the saidis Lordis commandit and ordenit the same to be insert and registrat in the Buikis of Secreit Counsall, off the quhilk the tennour followis:—We understanding that, be our happie and richteous attening to our crowne of England, France and Irland, and repairing to our said kingdome of England and ordinar remaning within the same, many occasionis will daylie occure in our service quhairof the directioun, proceiding frome ourselff during the tyme of our being in this our realme of Scotland, may nocht heirefter in our absence, without sum hinder to our service and prejudice to our guid subjectis, be delayit in everie particular till our awin will and commandement be knawin be our letters subscryvit with our awin hand in maner observit in tyme bygane, speciallie in matteris concerning our Advocat, quhais presence and compeirance being requisite in all our actiounis and utheris caussis quhairin we have enteres, the same sumtymes fallin furth in matteris of wecht and importance occurring at ane tyme in severall placeis, quhairas our said Advocat is not able to be present at bayth. Thairfoir, we, of our proper motive and speciall knawlege and authoritie royall, have gevin and grantit, and be the tennour heirof geives and grantis, expres licence and power to our trustie and weilbelovit clerk and counsallour, Mr. Thomas Hammiltoune of Monkland, our Advocatt, to mak and constitute deputis and substitutis, ane or ma, in the said office, to compeir and insist in persute and defence of quhatsumever actiounes, caussis or utheris matteris concerning us, or quhairin we, or our said Advocat in our name, hes or may have lawfull enteres, to persew, defend or concure in the same respective, as the occasiounis of our service and weill of our subjectis sall requyre, and all uther thingis to do quhilk salbe committit to thame be our said Advocattis letter of substitutioune, als frie in all respectis as give our said Advocat wer present, or as give thair power and substitutioun had bene subscryvit with our awin hand and past under our privie seill: commanding all and quhatsumever juges within our realme of Scotland to acknawlege and except [accept] the said substitutis and authoreiz thame in all thingis necessar and lawfull concerning our service, or our enteres in the said office, and our Clerkis of Secreit Counsall to ressave and registrat thir presentis in our buikis and registeris thairof quhenever thay salbe requyrit be our said Advocat. In witnes quhairof we have subscryvit thir presentis with our hand at Halliruidhowse the secund day of Apryll 1603. Sic subscribitur: James R." 2nd April. Act in favour of [Mr. Thomas Hamilton] his Majesties advocat, [authorising him to appoint deputes for the exercise of his office].

[Duke of Albany.] The chairge of the educatioun of the Duke of Albanie [*i.e.* Prince Charles: see *ante*, p. 187 footnote] committed to the Lord of Fyvie. Haddington MS. Excerpts.

Ane new commissioun for the Quenis affaires [*i.e.* for the management of her property in Scotland after her removal to England].

" Forsamekill as, in the Parliament haldin at Edinburgh the moneth of Julii the yeir of God j^{m} v^{c}lxxxxiii yeiris, our Soverane Lord and Estaitis of Parliament thane convenit,—upone the greit respect and regaird of the honour and weill of his Hienes deirest bedfallow, Anna, be the grace of God Quene of Scotland, and to the effect that hir drurie lyffrent and the thrid pairt of the revenewis of the propertie of Scotland belanging unto hir during hir lyff sould on nawayis be exhousted be ony improfitable dispositiounis, bot the same preservit to hir Hienes use,—for the greitter suirtie thairefter in the administratioun and governing of hir lyfrent, morning gift, and all rentis, proventis and emolumentis dewly belanging to hir in ony wayis, nominat, electit and maid choise of the particular personis efter specifeit, being of his Hienes Privie Counsall, Sessioun and Chekker,—thay ar to say Alexander, Lord Urquhart, president of the college of justice, Walter, Commendator of Blantyre, keipar of the previe seill, Mr. Johne Lindsay of Balcarres, Mr. James Elphingstoune of Innernochtie, Mr. Thomas Hammiltoun of Drumcairne, Alexander Hay of Eister Kennet, clerk of register, and Mr. Peter Young, elimosinar to his Majestie,—to be alsua of hir Hienes Counsall in thingis tending to hir honour and commoditie, imbringing and spending of hir leving, and in administratioune of the effairis concerning the same leving, namelie in the heiring of the comptis thairof, tuiching the passing of the presentatioune of kirkis and benefices, prebendareis, chaplanreis, alterageis, or maisteris or memberis of hospitalis, quhairof hir [Hienes] hes gift and rycht of patronage, and in ressaving and entering of frie tennentis upone retouris or clare constat, or upone resignatiounis or in granting confermatiounis of setting of takis of landis, teindis or utheris possessiounis, or making of quhatsumever dispositiounis; and it wes declarit that na wreit, evident nor precept that salbe presentit thairanent sall pass thair Majesties handis quhill the samyn be first red, deliberatlie considerit be hir said Counsall, and subscrivit be thame, at the leist foure of thame convenit togidder, the said Lord President alwayis being ane, testefieand the matter to be lauchfull and for hir Hienes honour and commoditie, without the quhilk his Majesties seall sall not be appendit ner effixt thairto, nor the same wreit, evident nor precept salbe of na availl, force nor effect to the purchessar, as the said Act of Parliament of the deat foirsaid at lenth beiris [Acts of Parl., iv. 24–27]. Quhilkis personis, Counsallouris foirsaidis, haiveing Fol. 316, a. gevin sufficient pruiff and testimonie of thair willingnes in thair service quhairin thay ar imployit, and be thair greit paines, travellis and diligence haveing redactit the estait of hir Hienes effairis to ane better conditioun nor thay wer the tyme of thair burdyning with that chairg, and the said Mr. Johne Lindsay and Alexander Hay, twa of the said Counsall, being deceissed, thair is adjoynit to the nowmer abovespecifieit surveying Thomas Hammiltoun of Preistfeild. And now, our Soverane Lord considering that it hes pleissit the almichtie God, be the deceis of his dearest

Haddington MS. Excerpts.

sister, Elisabeth, Quene of England, to call his Hienes to possessioun of his lawfull and succesive crownes of England and Irland, quhairunto he is now inveited and humblie desyerit be the prelatis, nobilitie and counsall of the lait deceist Quene to mak his repair to the cuntrey for the suirtie of his estait, the peax of the cuntrey, and for the generall benifite of the haill leigis duelling withing his Majesteis rowmes and dominionis; and becaus his Hienes is of that mynd and intentioun that hir Majestie, his dearest bedfallow, sall schortlie follow and mak hir repair to the pairtis of England: Thairfor, fore the suirtie of hir Majesteis rentes and dewties in this cuntrey, and that the bygane respect that hes bene had be hir Counsall to keip the same in ane integritie sall not faill for inlaik of ane dew ouersicht of hir effairis, bot rather to have a progres in hir honnour and proffeit, thairfoir hir Majestie, with avyse of our Soverane Lord, hir dearest housband, and with avyse of his Hienes Previe Counsall in Scotland, hes of new gevin commissioun to the saidis Alexander, now Lord of Fyvie, president of the college of justice, Walter, Commendator of Blantyre, Sir James Elphingstoun of Barnetoun, knycht, his Hienes secreter, Mr. Thomas Hammiltoun of Drumcairnie, his Hienes advocat, Mr. Peter Young of Seytoun, elimosinar, and Thomas Hammiltoun of Preistfeild,[1] to use and exerce the dewtie and office of counsallouris to hir Majestie in the effeiris and adois belonging to hir rentis and revenewis within this realme of Scotland, according as wes speciallie and particularlie directit to thame of befoir in the dischairge of thair office, makand and constitutand thame hir said Counsallouris during all the dayis of thair lyftyme, and that all thingis to be past and exped or agreit upoun tuiching ony pairt of hir saidis rentis and revenewis, ather in ressaveing of new tennentis, passing of confirmationis, dispositioun of benefices, giftis of escheit of lyfrent, setting or takin of ather land or teind, the samyn salbe dewlie past be hir said haill Counsall, at the leist be four of thame, the said Alexander, Lord of Fyvie, being alwayis ane, and the seill to be nawayis appendit except the saidis evidentis and writtis be past dewlie according to the ordour abonespecifeit. And, becaus the evidentis, writtis and securities that hes bene past of befoir wer in use in tyme bygane to be authorized be the subscriptiounis of our said Soverane Lord and his said dearest spous, quhilk be thair absence now in the cuntrey of England can not guidlie at all tymes be had to everie particular writt the said Counsall sall have to pas [*sic*], for supplie quhairof our said Soverane Lord and his said derrest bedfallow hes declairit that the subscriptioun of the saidis evidentis be ony four of the saidis Counsallouris, the said Lord of Fyvie being alwayis ane, salbe ane sufficient warrand to append the seill thairto, and the sam writtis sall stand alyke effectuall as gif thay wer subscryvit be our said Soverane Lord and his said darrest bedfallow."

[1] Thomas Hamilton of Priestfield was the father of Mr Thomas Hamilton, King's Advocate

4th April.[1] [Laird of Burley.] [Proclamation.]

Act in favour of the Laird of Burlie.

Haddington MS. Excerpts.

Proclamatioun anent the keiping of gude ordour in his Majesties journay touardis Londoun.

Ane Act anent the nominatioun of the Counsall [with full powers to the Council for the government of Scotland during the King's absence in England].

"Forsamekle as it hes pleissed God of his maircie to call out of hir mortall lyfe our dearest sister the Quene of England, quhairby the crownes of England, France and Irland, be Godis providence, as our just

[1] On the day preceding this, viz. on Sunday, April 3, there had been a scene of affectionate leave-taking between the King and his Edinburgh subjects in the High Church of St. Giles. After a sermon by Mr. John Hall, the officiating minister, the King had risen in his place and addressed the congregation. Referring to the happy union that had now come to pass between the two kingdoms so long separate, he said:—"As my right is united in my persoun, so my merches are united by land, and not by sea; so that there is no difference betuixt them. There is no more difference betuixt Londoun and Edinburgh, yea not so muche, as betuixt Invernesse or Aberdeen and Edinburgh; for all our merches are dry and there be [no] ferreis betuixt them. But my course must be betuixt both, to establishe peace and religioun and wealth betuixt both the countreis. And, as God has joynned the right of both the kingdoms in my persoun, so yee may be joynned in wealth, in religioun, in hearts and affectiouns. And, as the one countrie has wealth, and the other has multitude of men, so we may part the gifts, and everie one as they may doe to helpe other. And, as God has promoved me to a greater power nor I had, so I must endeavoure myself to floorish and establishe religioun, and take away the corruptiouns of both countreis. And, on the other part, yee mister not doubt but, as I have a bodie als able as anie king in Europ, whereby I am able to travell, so I sall vissie you everie three yeere at the least, or ofter as I sall have occasioun" (Calderwood, vi. pp. 215–216).—To the same Sunday, April 3 1603, has to be ascribed, it seems, an incident of a very different nature,—nothing less than the famous Act of Council proscribing the Clan Macgregor and abolishing their very name. Though, from the loss of the volumes of the Register of Council carrying affairs from Feb. 1603 to Aug. 1606, the official copy of this famous Act has not been preserved, there can be no doubt as to its date, inasmuch as it is cited thus in the preamble to a subsequent Act of Parliament relating to the MacGregors in 1617:—"Oure Soverane Lord and Estaittis of this present Parliament remembering how that his sacred Majestye being verie justlie moved with a haterent and detestatioun of the barbarous murtheris and insolences committed be the Clangregoure upoun his Majestyes peciable and goode subjectis of the Lennox at Glenfrone in the moneth of Februare 1603 [*ante*, p. 534, footnote], and how that the bair and simple name of M^cGregoure maid that haill Clane to presume of thair power, force and strenthe, and did encourage thame, without reverence of the law or fear of punischement, to go fordward in thair iniquities: Upone the consideratioun quhairof his Majestie, with advyse of the Lordis of his Secreit Counsell, maid dyvers actis and ordinances aganis thame,—especiallie *one Act upoun the third day of Apryill* 1603, whereby it wes ordanit that the name of M^cGregoure sulde be altogidder abolisched, and that the haill persounes of thatt Clan suld renunce thair name and tak thame sum uther name, and that they nor nane of thair posteritie suld call thameselffis Gregor or M^cGregoure thairefter, under the payne of deade," &c. (Acts of Parl. of Scot., iv. 550).—It is clear, therefore, that on that same Sunday on which King James took his farewell of the Edinburgh people in the Church of St. Giles, there must have been a Council meeting at which he left this parting thunderbolt against the unfortunate MacGregors.—In the same last days of his stay in Edinburgh there were applications to him in behalf of Mr. Robert Bruce, still in disfavour and in suspension from his Edinburgh pastorship, on account of his extreme scrupulosity as to the terms in which he would acknowledge that he had wronged the King by his scepticism about the Gowrie Conspiracy, and also in behalf of Mr. Andrew Melville in his ward at St. Andrews, and of Mr. John Davidson in his ward at Prestonpans. See *ante*, pp. 478–9, footnotes, and, for the particulars of the fresh applications, Calderwood, vi. 210–223. There was a parting interview between the King and Mr. Bruce in Holyroodhouse, at which his Majesty seemed gracious enough; but, on the whole, the impression was left among the zealous Presbyterians that the King was careful to show that he did not mean to relax his frown on Presbyterian offenders merely because he was leaving Scotland for his other and richer kingdom.

Haddington MS. Excerpts. Fol. 316, b.

inheritance, is fallin unto us, and seing for administratioun of these estaitis necessar it is that our princepall residence and royall court be at Londone, and it being nawayis our intentioun that our cuntrey of Scotland, quhilk thir money yeiris by our personall presence hes bene happelie governit, being thairto worthelie assistit be noblemen, counsallouris, and persones of all rankis bearing chairge under us, sall now be left voyde of all governament, and the schortnes of our stay at this tyme not permitting us to establische ony certane forme to be perpetuall anent the administratioun of justice during our absence, quhill be the avyse and counsall of baith the realmes, the same being unitid, ane certane and constant ordour may be sett doun, in the meanetyme we have electit, nominat and chosin, and be the tennour heirof electis, nominatis and cheisis our haill auld Counsall to be our ordinar Previe Counsall, to quhome, or ony sevin of thame, we have committit, and be the tennour heirof committis, the full administratioun, governament, handling of all and sindrie the effeiris of our estait in Scotland quhilkis heirefter [*sic*] hes bene usuall to be haldin be our Previe Counsall, in all sic privilegis, liberteis and preheminencis as belangis to the jurisdictioun of our Previe Counsall, als ample and with als greit power as ever ony commissionis hes bene grantit heirtofoir. And, becaus mony thing ma intervein in the administratioun of justice, repressing of insolenceis and punisching of dissobedientis, quhilk flowit from our awin royall presence, and to the quhilk our awin authoritie and command wes requisite, the Counsall haveing na farder thairin bot to obey our will, we have thairfoir, for present remeid of sic inconvenientis, gevin full power and commissioun to the personis foirsaidis in maner abonespecifeit, in cais ony persone of quhatsumever degrie or conditioun sal happin to rebell or disobay the authoritie of our Counsall, or committ ony insolence quhilk can not be repressit without a force; with pouer to our said Counsall to nominat ane lieutennent, and to authoriz him with ample commissioun of lieutendrie, and with chairgeis to sic cuntreyis as salbe thocht meit to ryse and concure with him, under the painis accustomut in our awin proclamationis, for repressing of all sic insolencie, rebellioun and disobedience as salbe avowit or professit; with power alsua to our said Counsall, gif neid beis, to gif directioun and command to our Thesaurar, or sic as sal have intromissioun with our financeis, to furneis and deburse sic sowmes as be thair devyse salbe thocht requisit for doing of that service; with pouer lykwayis to our said Counsall to ressave resignationis of quhatsumever landis haldin of us, or yit of officeis, castellis, towris, fortalices, mylnnes, fischinngis, wodis, beneficeis or pertinentis quhatsumever, the same againe in our name to gif, as alsua to grant commissionis for heiring of the comptis of our chekker yeirlie, as thay think meit, and to putt assesouris to our justice, and to continew and prorogat dayis of law, upoun sic ressonable caussis as thay sall think expedient; as alsua to grant licenceis for depairting and passing out of our countray, according to the conditiounis contenit in the Actis of Parleament. Lykas, we ordane our said

Privie Counsall to sit in our burgh of Edinburgh, and, gif the effairs of our realme and estait sall necessarlie require thair residence in ony uther pairt, with puer to our said Counsall or ony twa pairt thairof to appoint ony uther plaice convenient for thair said residence: with puer alsua to the twa part of our said Counsall to gif commissioun and puer in tyme of vacance, or sic uther tymes as the necessitie of greit effairis requyeris, to ony fyve of thair nowmer upoun complentis or wranges or small actioun pertening to the Counsall, and to remitt all materis of greit importance to a mair frequent and ordinar nowmer. Lykas we appoint the Counsall dayis appointit and prescryvit be the act of nominatioun of our Counsall in December j^m v^c lxxxxviii yeiris [vol. v. p. 499] to be keipit, and that our Counsall attend and await upon Counsall conforme to the tennour of the said act, and under the pane contenit thairin: chairge[ing] heirfoir yow and sindrie our leigis and subjectis to reverence, acknawlege, and obay our said Counsall in all thingis, under the pane of tressoun. Subscryvit with our hand at our Palice of Halirudhous the fourt day of Aprile j^m v^c and thrie yeiris." Haddington MS. Excerpts.

His Majesties caschet delyvered to Sir Patrick Murray [for use for all documents requiring his Majesty's signature].

"The quhilk day the Kingis Majestie in presence of the Lordis of his Hienes Privie Counsall deliverit to his trustie and weilbelovit Counsalour, Sir Patrik Murray of Byn, knycht, his Majesteis caschett, contening the letters of his Hienes name, to be keiptt be him during his Majesties will and plesour, and to be affixit be him to all letters, signatouris and writtis quhairin his Majesteis superscriptioun is requisit, and to be alway warrandit be the subscriptioun of the ordinar officer to quhais office the subscription of sic letters and writtis appertenis."

Berwick, 7th April.[1] The chairge of baith the Merchis of England and Scotland committed to the Counsall of Scotland.

"Forsamekle as the Kingis Majestie being now, be the providence of God, according to his Hienes royall birth and titill, callit to the crowne of England, quhairthrow his residence and remaining will maist frequentlie be in Lundone and uther pairtis thairabout, his Hienes alwayis haveing a speciall regaird that the pairt of baith the cuntreyis quhilk of lait wes callit the 'Mairches' and 'Bordouris,' and now be the happie unioun is the verie hart of the cuntrey, sall not be left in ane uncertantie, nor the inhabitantis thairof constrainit upoun everie occasioun Fol. 317, a.

[1] The King had left Edinburgh on Tuesday the 5th of April, amid thunders from the cannons of the Castle, "accompanied with sundrie lords and gentlemen of both the natiouns," and watched as he went off by gazing crowds. He had reached Berwick on the 6th, received with "shooting of artillerie and other solemniteis," including the presentation of a purse of £2000 sterling by the English authorities, and an eloquent sermon of welcome by Toby Matthew, the Bishop of Durham. In his retinue of Scottish attendants were the Duke of Lennox, the Earls of Mar, Moray, and Argyle, Lord Home, Lord Roxburgh, Treasurer Sir George Home of Spott, Secretary James Elphinstone, Comptroller Sir David Murray, and, to represent the clergy, Mr. David Lindsay, Bishop of Ross, Mr. Peter Rollock, Bishop of Dunkeld, with Messrs Patrick Galloway, Andro Lamb, John Spotswood, Gavin Hamilton, and Alexander Forbes (see Spotswood, p. 476). The Queen had not accompanied the King, but remained in Scotland for the time; Prince Henry had been left in Stirling Castle, the charge of which belonged to the Earl of Mar; the Duke of Albany (Prince Charles) was under the care of Lord Fyvie (*ante*, p. 556); and the Princess Elizabeth was under that of the Earl of Linlithgow. They were all to follow the King as soon as possible.

Haddington MS. Excerpts.

to repair to his Majestie and Counsall at Lundone, his Hienes thairfoir hes committit the cair, oversycht and governament of the saidis Merches to the Lordis of his Hienes Privie Counsall resident at Edinburgh, to quhom all pairties distressit and grevit within the saidis boundis may presentt thair complentis and sal have justice ministrat unto thame [as] accordis: and thairfoir ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at the mercat croces of the heid burrowis within the saidis boundis, quhairthrow nane pretend ignorance of the same, and to command and chairge all and sindrie the inhabitantis within the saidis boundis to reverence, acknawlege, and obay his Majesteis said Counsall resident at Edinburgh in all thingis, as they will answer to his Majestie upoun thair obedience at thair uttermaist chairge and perell."

Anent the keiping of ordour in his Majesties journay.

Newcastle, 10th April. [King's journey.]

Ane dischairge to the Advocat of the Jewell callit the H [see vol. v. p. 433].

[Edinburgh], 14th April. [King's jewel.]

"Forsamikle as the Kingis Majestie at his lait removeing out of his Hienes cuntrey of Scotland to his realme of England, to be inaugurat in the crownes belanging and justlie appertening to him be just and lineall discent throw the daith of his lait dearest sister, Quene Elisabeth, and thairwith his Hienes carying a speciall cair and respect that this his cuntray of Scotland sould not, be the inlaik of his presence, have any just caus of sorrow, or sould in onywayis lament for his depairture or absence furth of this cuntray, bot that sic [? as] heirtofoir, upoun ane dewtifull behaviour to thair Prince, hes ever indevorit thameselffis to gif a pruife and testimonie of thair willing myndis to his Hienes obedience, sould [? not] now be movit to alter thair bygane courssis, bot rather to have occasioun to continew in thair dewtifull cariage in all respectis: and his Majestie acknawlegeing this his peciable and quyet entrie to the crownes possest be his said umquhill dearest sister to have allanerlie proceidit frome the Almichtie God, and thairwith persuading himself that the executioun of justice is ane of the cheiff pillaris and standartis of his diademe; and his Hienes being of full mynd, resolutioun and intentioun that this his realme of Scotland sould not be distemperit or remaine dissobedient in ony bordour, heiland corner, or ony pairt of the same, bot, as it hes pleissit God to call his Hienes to that his lawfull successioun of the crowne of England, being a peciable and quiet governament, swa willing to draw this his realme to the lyk conformitie of his obedience: hes thairfoir gevin speciall and expres command, directioun and commissioun to the Lordis of his Hienes Previe Counsall, willing and commanding thame to do, execut, exerce and use all and quhatsumever thingis quhilkis in ony tyme bygane hes bene ather thocht meit or convenient ather for reteining of the dewtifull subjectis in thair lawfull obedience, or for redacting of the preposterous and unrewlie hoummouris of the dissobedient to ane dewtifull behaviour and cariage in thair actiouns, and to do and performe

Proclamation to obey the ordinar judges as before [and of the determination of the Council strictly to exercise the powers entrusted to them for the government of Scotland].

all thingis that may in ony wayis ather import the service of his Hines or the ease and peax of the subjectis, as the commissioun in itself at greitter lenthe beiris. And, becaus many hes alreddie, and utheris may heirefter, consaive sum doutting opinnonis that the present estait of this realme of Scotland is left without ony governament at all, quhairby the gud and peciabill subjectis may be brocht in feir and the ewill dispoissed may be moved to continew and inlairge the raynes of thair unbryddillit misbehaviouris upoun the conceit and opinnioun of impunitie, thairfoir the Lordis of his Hines Privie Counsell, directit be his Majestie as speciall commissioners, and being these in quhome his Hines hes put trust for reteining, keiping and preserving of this his cuntrie of Scotland in ane peciabill, sueit and quyet governament, hes thairby willit intimatioun to be maid to all our Soverane Lordis leidges, signifeing unto thame that, as it hes pleisit his Majestie to commit the cair, diligence and oursicht of this his realme to his said Privie Counsall, swa it is thair full mynd and resolutioun that, with all hazerdis that efter may fallow, they will maintein and defend his Majesteis peax amangis his dewtiefull subjectis to thair utter pouer, resist the ryatis and all misbehaviouris that in onywayis may infringe and brek the same, and repress and utterlie suppres all sik persones quha be thair unrewlie actiones wald aither mak annoyance to his Hines dewtiefull subjectis or mak any blaimische to his Hienes authoritie for inlaik of the dew punneisment of the offendars according as thair cryme sall demereit. And also it wes his Majesties mynd and conclusioun at his depairttour that all the judicatoreis within this realme, als weill civill as criminall, aither in the college of justice or uther inferiour judgment saitis quhatsumevir, sould continew and stand in that same forme, force and soveragnitie, with all privileges and immuniteis that hes heirtofoir belangit to ony of the said judgment saites, heirby expreslie willing and, in his Hines name and authoritie, commanding all our Soverane Lordis leidges within the realme of Scotland that thai sall obtemper and obay all chairges that salbe direct aganes thame, observe and keip all dyatis befoir ony judge, civill or criminall or ecclesiasticall, quhairunto thai haive bene or salbe in onywayes seittit, chairgit or summonde be ony letters, summondis or preceptis, aither direct under his Hines awin name and signet, or under ony uther his Majesteis judges, officeris or ministeris of the law quhatsumevir, according as the bygaine use and consuetude hes beine observit in the lyke caissis: certefeing and assuring all his Hines leidges that the Lordis of his Hines college of justice ar to meit the fyftene day of May nix to cum in the burgh of Edinburgh for administratioun of justice to all his Hines subjectis in the vonted maner, and that they will proceid againes all sik as upone contumacie will not compeir. And his Hines hes directit all uther inferiour and subalternall judicatories [to] proceid in thair vonted maner and ordiner tyme of sitting, as thai will ansuer to his Hines upon the dischairge of thair offices."

Haddington MS. Excerpts.

Fol. 317, b.

Haddington MS. Excerpts.

Montquhany, Cultmalindie, William Stewart of Lyknig, Robert Monteith, and uthers, aganis the Erle of Orknay :—The Erle assolziet fra sum of thir persones; condemned in uthers; sum remitted to the judge ordinar; and sum elyded be exceptioun for probatioun; whairof ane terme is assignit to him. [Edinburgh], 21st April. [Complaints against the Earl of Orkney.]

Maister Andro Cuninghame having hurt Johne Thomsoun, bailyie of the Canogait, on the face, to the effusion of his blude, for ane querrell proceding upon the said Johne Thomsones executioun of his office, the said Maister Andro [is] baneissed the realme be the Counsall, and ordanit to depairt furth thairof within 40 dayes, and not to returne, under the payne of dead. [Edinburgh], 27th April. [Mr. Andrew Cunningham] baneissed the realme be the Counsall for hurting the bailyie of the Canogait.

" Anent our Soverane Lordes letters raisit at the instance of Alexander, Erll of Linlithgow, Lord Levingstoun, and lord of the regalitie of Callander, within the boundis quhairof the landis of Carriemure with thair pertinentis, pertening heritablie to the said Erll, with the haill men, tennentis and inhabitantis thairof, ar comprehendit, and als at the instance of Alexander Howie in Carriemure and Aliesoun Howie, his sister, his tennentis and servandis of the ane pairt of the said baronie of Carriemure, for thair entressis, makand mentioun that quhair, upon the day of last bypast, they haifing repairit directlie to thair awin duelling houssis to the burghe of Strivilling, and [being] in the oppin mercat thairof for selling of certane scheip skynnis, pertening to him, to ony of his Majesteis leiges that wold by the same, in the verie meintyme the provest and bailleis of the burgh of Stirling, upon sum particular malice borne be thame towardis the saidis persounes, knawing thame to be the tennentis and servands of the said Erll, hes violentlie taine and apprehendit thame, and hes committit thame to waird, and intendis efter ane cullorit forme of law againes thame as airt and pairt of thift and ressett of thift, and hes affixt the day of Aprill instant for that effect,—wrangouslie, becaus it is of veritie that the saids persounes ar and hes beine evir reput and estemit at all tymes befoir honest persounes, they haifing nevir committit ony cryme nor offence deserving sik handilling or punneisment, and they ar alwayes als ansuerabill and obedient to the lawis as ony of his Majesteis leiges within the cuntrie quhair thai duell. And, albeit the said complenner, in respect thairof, send and directit his baillie of the regalitie foirsaid to the said burgh of Stirling and desirit that the saidis persones micht be replegit from thame and thair jurisdictioun to the court of the said regalitie, conforme to the inviolabill privilege and imunitie thairof observit at all tymes sen the granting thairof within divers courtis and judicatoreis of this realme, and offerit cautioun for administratioun of justice, conforme to the ordour, yit the saids bailleis, without respect had thairto, alutterlie refuissit to delyver the saids persounes to the said complenneris bailyie, and swa intendis with all expeditioun to proceid againes the saidis persounes, and, without regaird [Edinburgh], 28th April. Erle of Lithgow contrar bailyies of Stirling: Question betuix the regalitie of Falkirk and bailyies and schiref of Stirling.

of thair innocencie or love of justice, to execut thame to the deid. Quhairthrow, as the saidis provest and baillies sall use and usurpe upon thame a preposterous and lawles forme againes the saidis persones, being alwayes giltles and innocent, swa the libertie and privilege of the said regalitie, and, be the exampill thairof, the libertie of all uther regaliteis within this realme, salbe removit and taine away, without remeid be provydit. And anent the charge gevin to Murray of Polmais, provest, Cudbert Cunninghame, James Corslaw, William Edmond, and Archbald Alexander, baillies of the said burghe, to haive comperit personalie befor the Kingis Majestie and Lordis of Secreit Counsall this present day, viz. the xxviii day of Aprill instant, to haive hard and seine the saidis personis replegit and fred from the saidis provest and bailleis, thair offices and jurisdictioun, to the privilege of the said regalitie, and cautioun fund for administratioun of justice upoun thame, conforme to the ordour, and to have brocht, presentit and exhibited thame, the saidis persones particularlie, day and place foirsaid, to the effect abonewrittin, under the paine of rebellioun, and putting of thame to the horne, or ellis to have schawin ane ressonabill caus quhy the samin sould not have beine done, with the certificatioun to thame and thai faillie letters salbe direct simpliciter chairging the disobayeris thairto, upon ane simpill chairge of thrie houris allennerlie,—lyk as at mair lenth is contenit in the saidis letters, executiounis and indorsatiounis thairof. Quhilkis being callit, and the said Erle compeirand personallie for thameselffis [*sic*], and the said Murray of Polmais, provest, and Johne Williamesone, toune clerk of the said burgh of Sirling, compeirand personallie for thameselffis and in name of the remanent defendaris foirsaidis,—quha declairit in presens of the saidis Lordis that the saidis Alexander Howie and Alisone Howie wer, lang efter [? before] the chairge gevin to thame for entrie and presentting of thame before the saidis Lordis, delyverit be thame to the shereff of the sherefdome of Stirling, as the ordinar juge in that mater,—with the quhilk declaratioun and utheris ressonis and allegationis of baith the saidis parteis the Lordis of Secreit Counsall [being ripely advised], declairis that the saidis defendaris ar nawayis bund to enter and exhibit the saidis personis befoir the saidis Lordis, conforme to the chairge execut againes thame for that effect, and thairfoir exoneris the saidis defendaris of the entrie and exhibitioun of the saidis personis for ever."

Haddington MS. Excerpts.

Fol. 318, a.

urriehill contrar Samuell Blaikburne: Ane hous can not be deliverit to the gairde as ane rebels hous whairin ane uther man is infeft and hes denunced the rebell for not delyverie of it.

"Anent our Soverane Lordis letters raisit at the instance of William Wardlaw of Curriehill and James Dalgleische, mairchand, burgess of Edinburgh, for his entres, makand mentioun that quhair Sammuell Blaikburne, merchand, burges of the said burgh, allegeit assignay constitute be Gassiot Piroinan, Frenchman, in and to the sowmes of money fallowing, allegeing that the said William Wardlaw is denunceit rebell and putt to the horne be vertew of letters raissit at his instance for not payment to him of the sowme of thrie hundrethe and threttie crownes of the sone, or ellis the sowme of fyve merkis vi s. viii d. for ilk crowne thairof, togidder with the sowme of ten pundis and fourtie s. of

Haddington MS. Excerpts.

expenssis, hes, upoun the said horning, in name of Sir George Home of Greinlaw, knycht, his Majesteis thesaurar, and at his awin instance, raissit letters of tressoun quhairwith he hes causit chairge the said William Wardlaw, as rebell foirsaid, and the said James, as havear, keipar and deteinnar of the duelling place of Curriehill, to rander and delyver the same to the officer executour thairof, and to remove thameselffis and thair servandis furth thairof, within sex dayis, under the pane of tressoun,—wranguslie: becaus it is of veritie that, lang befoir the raising of the saidis letters of tressoun and chairge gevin be vertew thairof, the said James Dolgleische obtenit ane decreit of removing at his instance aganes the said William Wardlaw, and thairupoun raissit letters of horning, and thairwith caussit chairge the said William Wardlaw for removeing thairfra, conforme to the ordour; quha, for obedience of the said chairge, removeit himself, his servandis and familie furth thairof. Lykeas the said James, be vertew of the said decreit, immediatlie thairefter obtenit laufull possessioun of the said duelling place of Currihill, and plenteit himselff and his servandis thairintill, and hes the kayis of the same presentlie in possessioun, and hes the setting of the saidis haill landis of Curriehill, with the maneir place thairof abonewrittin, swa that the said William Wardlaw in tyme of the said chairge, nather yit, hes he ony richt thairto, and consequentlie na sic chairge aucht to have effect or executioun againes him; and thairfoir the saidis letters, effect thairof and proces of tressoun thairin contenit, aucht and sould be suspendit simpliciter upoun the saidis complenaris in tyme cuming. Nevertheles, they have instantlie fund caution, actit in the Buikis of Secreit Counsall, that thay sall rander and delyver the said duelling place to the officeris executouris of the chairge foirsaid, and that the said William sall enter his persone in waird within the Castell of Blaknes, in cais it salbe fund that thay aucht to do the same efter tryell of the veritie, conforme to ane declaratour to be gevin thairupoun. And anent the chairge gevin to the saidis Sir George Home of Greinlaw, knycht, thesaurar, and Sammall Blaikburne, to have compeirit, brocht and producit the saidis letters, with the executionis and indorsationis thairof, befoir the Kingis Majestie and Lordis of his Secreit Counsall this present day, viz. the xxviii day of Aprill instant, to have bene sene and considerit, and to have hard and sene the same letters, effect thairof and proces thairin contenit, being suspendit simpliciter upoun the saidis complenaris in tyme cuming for the caussis foirsaidis, lyk as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof. Quhilkis being callit, and the said James Dalgleische, for himselff, and Wardlaw, brother to the said William Wardlaw, as procuratour for his said brother, compeirand personallie, and, the said Sammuell Blaikburne being lykwayis personallie present, the richtis, ressonis and allegationis of baith the saidis parteis being hard, sene and considerit be the saidis Lordis, and thay weill and ryplie advysit thairwith, the Lordis of Secreit Counsall suspendis simpliciter the

saidis letters of tressoun, effect thairof and proces of tressoun thairin contenit, upoun the said James Dalgleische and the said William Wardlaw in tyme cuming, tuiching the randering of the duelling place of Curriehill allanerlie, becaus the said James Dallgleische, be productioun befoir the saidis Lordis of divers decreitis and letters, thain instantlie verifeit the ressoun abonewrittin of the said suspensioun; for quhilk caus the saidis Lordis hes decernit and decernis in maner foirsaid." Haddington MS. Excerpts.

Band for Johne Killoch, poist in the Canogait [for his faithful discharge of his duty of carrying packets and letters from Edinburgh addressed to his Majesty in England.]

"The quhilk day, in presens of the Lordis of Secreit Counsall compeirit personalie Johne Killoche, indueller in the Cannogait, and become actit, faithfullie band and obleist him to observe, performe, keip and fulfill the particular injunctiones and articles underwrittin: thay ar to say:—The said Johne band and obleist him to continewallie keip in his stabill or haive in reddines twa abill and sufficient post hors with furnitur, convenient for the service of his Majesteis pakattis onlie, als weill by nicht as by day, ane fair peper buik to enter the pakattis in, with the monethe, day and hour that thay ar brocht into his handis, twa baggis of ledder weill lynit to carry and put the pacquetis in, and twa hornes to sound als oft as he meittis cumpanie, or at the leist thrie tymes in everie myle. Item, that he sall at all houris ressave and send away in poist all sik pacquetis and letters as salbe brocht to him directit for his Majesteis effaires. And siklyk that he sall, within the quarter of ane hour efter the cuming of ony of his Majesteis pacquetis or letters to his handis, send the same away in poist and sall ryn thairwitheall,—in somer, viz. fra the first of Aprill to the last of September, sex myliis in the hour, and in winter, quhilk salbe accomptit the rest of the yeir, fyve mylies in the hour. Item, the said Johne Killoche salbe ansuerable and stand bund for his servandis and poist boyis that thai sall deliver na by letters quhilk salbe deliverit to thame be ony persone quhatsumever by the pacquett and of favour, or sufferit to ryn thairwithe, befoir first they haif delyverit the pacquet to the nixt post and stand first dischairgit thairof. And, last, the said Johne Killoche band and obleist him to have ane speciall regaird to all sik as, aither by speciall commissioun or utherwayes, sall be fund and appeir to be directit frome his Majesteis Counsall, that they salbe weill and reddelie ansuerit and servit of guid and sufficient post-hors, and, gif he have na post hors of his awin, sall caus thame be servit with the cuntrie hors the first can be had, and use all paines and trevellis for that effect. And, for the bettir observing, performing and fulfilling of all and sindrie the premissis for the pairt of the said Johne Killoche as is abonespecifeit, Johne Nasmyth, merchand, burges of Edinburgh, being lykwayes personalie present in presens of the saidis Lordis of Secreit Counsall, become bundin and obleist conjunctlie and severallie with the said Johne Killoche, under the paine of ane thousand pundis money of this realm, and for keiping and observing of all uther injunctiones that sall in onywayes be injoynit unto him for the dischairge of his office. Sic subscribitur: Johne Killoche; Johne Nasmyth, cationer." Fol. 318, b.

Haddington MS. Excerpts.

Proclamatioun aganis Williame and Patrik Ruthvennis and thair resset- taris [see *ante*, p. 511, footnote]. Standen, 1st May. [The Ruthvens.]

" Forsamekill as the Lords of his Hines Privie Counsall having thocht it meit, expedient, and necessar for the haistie directing and dispasching of adverteismentis and ressaving of sik utheris as frome the Court abone salbe direct hither, to appoint, constitute, and plaice in townes maist commodious for that purpois betuix this and Beruik poistmaisteris quha be thair giftis haifing [? have] grantit unto thame allowance and standing fie for intertyning of hors for the pacquett, and ar bund under greit paines to serve the carriage thairof alsweill by nicht and day as the occasioun sall offer, and that according to that loveabill custoume that hes beine observit in Ingland thir mony yeires bygaine: And als it being concludit be the saidis Lordis that all sik as, aither be thair imployment in the Princis effaires or be the necessitie of thair awin adois, sal have occasioun to ryd poist and to sue commissioun of the Counsall resident heir or cum hidder be commissioun grantit frome abone, salbe servit and furneissit withe horssis be the postmasteris gif they haive any, and utherwayes sal be taikin of the reddiest that may be had, aither within the toun itself quhair the poist is plaicit or in the toun and parroche nixt adjacent, or in the townes be the hieway, in caice it sal happin ony of the poist horsis to werie or tyre be the way, and that all sik ryding post, aither be commissioun or without the same, sall ryd with gyd and horne, and sall on na wayes tak up thair horssis at the handis of ony except the postmaister, withe the constabullis, bailyeis, or sik as within the toun sal have pouer and commandment to tak up horssis for thair furneissing: It is thairfoir willit be the Lords of his Hines Privie Counsall that dew intimatioun be maid to all our Soverane Lordis leidges within the realme of Scotland, and specialie to thaise quha hes thair remaning, residence and duelling betuix the tounes of Edinburgh and Beruik, that they obtemper and obay in all dewtie and reverence quhen so ever in his Hines name, be vertew of commissioun, ony of thame salbe chairgit to rander and delyver ony of thair horssis for the furneissing of sik as sall ryd poist be the same; and als it is commandit that all his Majesteis subjectis, upone all hiest paine and chairge that efter may fallow, sall on nawayes presume nor tak upoun hand to oppone thameselffis, resist or in onywayes preiss to deforce thame that be vertew of lauchfull commissionis sal have occasioun to tak thair horssis for rydding to the nixt stage, the curriaris ryding be commissioun being alwayes bund and ansuerable for peyment to the awnneris of the hors for ilk myle twa schillingis money of this realme, and sik as rydis without commissioun to pey for everie myle twa schillingis sex penneis usuall money foirsaid, besyd the gyddis grott. And als it is expreslie in his Hines name commandit that na persone, of quhat degrie, conditioun or rank he be off, hinder, stope or imped, bot gif place and keip him off the way, and mak frie passage to, all sik as sall ryd poist, aither in cairrying of pacquet or utherwayes: certefeing heirby [Edinburgh], 5th May. Proclamation anent the ryding poist [between Edinburgh and England].

Fol. 319, a.

all our Soverane Lordis leidges, as thay be fund to have transgressit in ony of the pointis abonewrittin, and that be thair actiounes, behaviour and countenance gif ony demonstratioun of thair undewtifulnes, thair offens, without rigour, according to the qualitie of it, sall be puneist, to the terrour of utheris to contempt and misregaird his Majesteis authoritie." Haddington MS. Excerpts.

Proclamation aganis the dispersing of [false] newis [respecting his Majesty, the Council, or matters of politics].

"Forsamekill as heirtofore, upon the greit inconvenientis that hes proceidit be the disparssing of fals newis and leying taillis, the paine of deathe hes beine injoynit to sik as sould haive beine fund to haive offendit thairintill; and now at this tyme many persones, upon sum libertie of thair awin consaites, for fault of bygaine controlment, and that idylnes, the mother of all vyce, hes furneissit thame na maitter at all bot the inventioun of lies and untrew fixounes, and thairwithe, not contenting thameselffis to keip the limetis of thair vaine thochtes and fulische devyssis annent persones of thair awne base degrie, hes presumptuuslie in tyme bigane and yit continewis disparching thair imaginarie inventiounes of matter of estait, and in speciall of his Majesteis persone, counsallouris and servandis, thairby making occasioun to all the heirars to consaive evill of thaise that ar bakbyttit and wrangouslie hairmit be thair untrew reportis, and yit, be ressone of disparsching of thaise foolische lyes, acknawledgit and ressavit be the maist pairt as veritie, thair may mony thinges intervene to the disturbance of the estait, to the incouraging of sik as upon report wald tak advantage to mak breache of his Majesteis peax, and to the dishairting of his Hines guid subjectis, and of sik in speciall quhais freindis, kyn and allya is abill to be tuichit, impairit or misreporttit of in thair honour, estait or reputatioun: Thairfore the Lordis of his Hines Privie Counsall hes willit dew intimatioun to be maid to all his Hines leiges within the realme of Scotland, that nane of thame preis to disparshe ony newis or adverteismentis allegeit ressavit from foirane pairtis or within his Majesteis awne dominiones concerning his Majesteis estait or Counsall, without ane sufficient warrand thairof: certefeing and assuiring everie ane of thame, as they salbe fund the disperssaris and authouris of ony leying taillis or newis, that thai sall stand bund to find ane warrand for thair report, or then they thameselfis salbe accomptit the first inventaris and spredderis thairof, and thairthrow to have maist wourethelie incurrit to have that dew punneisment inflictit upon thame that alreddie be Act of Parliament is appointit; certefeing heirby that, be ressone of his Majesteis absence sa far removit, the les hoip of mercie for transgressouris may be expectit, and thairfore willing all his Hines subjectis, howevir heirtofoir they have transgressit heirin, that in tyme cuming [? they] to behave thameselfis, that be the executing of the law they have no caus to compleine of the rigour of the judge."

[Edinburgh], 17th May.[1]

"The quhilk day in presens of the Lordis of Secreit Counsall comperit Fol. 319, b.

[1] At the date of this entry in the books of Council at Edinburgh, the King had been already for ten days in London. He had arrived there on the 7th of May, having taken exactly a month in his journey from the Scottish Border. His route from Ber-

Haddington MS. Excerpts.

personalie Andro Smith in Birnie, and gaif in ane copie of our Soverane Lordis letters at the instance of Mr. Thomas Hammiltoun of Drumcairne, his Majesteis advocat, and George Cuming, burges of Elgin, by the quhilk the said Andro Smith allegit that he wes chairgit to haive compeirit personalie before his Majestie and Lordis of his Secreit Counsall at ane certane day bygane, to have ansuerit to ane complaint maid upon him be thame, tuiching his allegit raising of muir-burne in the monethis of Aprill, Maij, June and Julii, in the yeir of God j^{m} , and for his allegit raising of muirburne upon the xxii day of May j^{m} sex hundreth yeres, in the landis callit the Hill of Elding, pertening to James, Erll of Murray, and burning and distroying of ane gret quantitie of peitis wyn and cassin be the said George, under the paine of rebellioun and puting of him to the hornne, with certificatioun to him and he failyit letters sould be direct simpliciter to put him thairto, etc.,—lyk as at mair lenthe is contenit in the copie foirsaid of the saidis letters. Quhilkis being callit, and the said Andro Smyth compeirand personalie, quha protestit that, in respect of the absence and not compeirance of his Majesteis said Advocat and the said George Cuming, that he sould not be haldin to answer ony farder to the saidis letters, and that nathing sould be proceidit aganes him be vertew thairof quhill he wer of new wairnit be utheris letters. Quhilk protestatioun the saidis Lordis admittit; and farder the saidis Lordis hes modefeit, and be thir presentis modifeis, the sowme of ten lib. money to the said Andro Smyth for his expenssis, and ordaines letters to be direct aganis the said George Cuming for payment thairof in forme as effeiris."

Expensis modified upon ane protestation [by Andrew Smith, charged with illegal muir-burning].

wick had been by Newcastle, Durham, York, Doncaster, Newark, Stamford, Royston, and Sir Robert Cecil's seat of Theobalds in Staffordshire,—which last was his final stage before his entry into London, by the Charter House and Aldersgate suburb. The incidents of the memorable progress, including the civic speeches to him in the towns he passed through, the entertainments in his honour, the rushing of the crowds to see him all along his route, and his triumphant reception in London at last (where he conferred so many new knighthoods as to raise the total number made in his journey to 200), belong rather to English history than to Scottish. One or two of Scottish significance, however, may be noted:—Although Sir Robert Cecil, with many English lords, had met the King at York, and it had become clear then that Elizabeth's great minister was to continue in favour with her successor, it was at Theobalds that there was the first formal meeting of the English Privy Council round their new sovereign. To that Council he then made some additions, the most notable of which, and the strangest in the eyes of the English, was that of six of the Scottish lords and councillors who had came in his train. These were the Duke of Lennox, the Earl of Mar, Lord Home, Comptroller Sir George Home of Spott, Secretary Sir James Elphinstone, and Edward Bruce, commendator of Kinloss.—One of the Scottish clerical attendants on his Majesty had not accompanied him so far as Theobalds, but had been sent back to Scotland some days before. This was Mr. John Spotswood, parish minister of Calder, afterwards so celebrated as the primate, politician, and historian. He himself notes the fact and the reason thus in his *History* (p. 477). "Being at Burleigh House neer unto Stamford, the King was advertised of the death of James Beaton, [Roman Catholic] Archbishop of Glasgow, who deceased at Paris in the same moneth [see vol. v. p. 464, footnote]. . . The King, having destinated Mr. John Spotswood for his successor, sent him back to attend the Queen in her journey and serve her for elemosynar." There was thus, before the King's arrival in London, the prospect of an addition to the nucleus of a new Scottish Episcopate already formed by Lindsay, Bishop of Ross, Gleddanes, Bishop of Caithness, and Blackburn, Bishop of Aberdeen.

Traquaire's suspension agains Burlie for armour.

Traquair being chairged be Burlie to by foure stand of harmes [has the charge] suspended:—first, becaus he wes ane Lord of Secreit Counsall, and swa exemed; secundlie, becaus he, his freinds and servands, wer Bordour men, and swa wer licht horsmen and nawayes subject to serve with heavie armour; thridlie, becaus he and his servands wer sufficientlie furneissed. In respect of the whilks reasonis the letters wer simpliciter suspended. Haddington MS. Excerpts.

Band for Williame Arnot, poist in Colbrandspeth.

"The quhilk daye, in presens of the Lords of Secreit Counsall, compeirit personalie Williame Arnott in Cokburnspethe, as principall, and Johnne Arnot, portioner of Restalrig, as cautioner and souertie for him, and gaive in the obligatioun underwrittin, subscryvit with thair handis, desyring the samin to be insert and registrat in the Buiks of Secreit Counsall, to have the strenthe of ane Act and decreit of the Lords thairof, with letters and executoriallis to pas thairupon in forme as effeires; quhilk desyre the saidis Lords finding ressonabill, they haive ordanit and ordaines the same to be insert and registrat in thair saidis Buiks, to have the strenth of ane Act and decreit of the Lordis thairof, with letters and executoriallis to be direct thairupon in maner specifeit thairintill. Of the quhilk the tennour followis:—Be it kend till all men be thir present letters, me Williame Arnot in Cokburnespethe to becum actit, faithfullie bund and obleist, lyk as I, be the tennour heirof, faithfullie bindis and obleissis me, to observe, performe, keip and fulfill the particular injunctiones and articles underwrittin. Thay ar to say: The said William bindis and obleissis him to continewallie keip in his stabill or haive in reddines thrie habill and sufficient poist horssis with furnitur convenient for the service of his Majesteis pacquetis onlie, als weill by nycht as by day, ane fair peper buik to enter the pacquettis in, with the moneth, day and hour that thai ar brocht into his handis, twa baggis of ledder weil lynnit to put the pacquettis in, and twa hornes to sound als oft as thay meitt the cumpany or at the leist thrie tymes in everie myle. Item, that he sall at all houris ressave and send away in the poist all sik pacquetis and letters as salbe brocht unto him directit for his Majesteis effaires; and siklyk that he sall, within the space of ane quarter of ane hour efter the cuming of ony of his Majesteis pacquettis and letters to his handis, send the same awaye in poist and sall ryn thairwithe,—in somer, viz. fra the first of Aprill to the last of September, six myles in the hour, and in winter, quhilk salbe accomptitt the rest of the year, fyve myles in the hour. And, siklyk, I the said William salbe ansuerable and stand bund for my servands and poistboyes that they sall deliver na by letters quhilk salbe deliverit to thame be ony persones quhatsomever by the pacquett of favour, or sufferit to ryn thairwithe, befoir first they have deliverit the pacquet to the nixt poist, and stand first dischairgit thairof. And, last, I the said William Arnot bindis and obleissis me to have ane speciall regaird to all sik as aither by speciall commissioun or utherwayes salbe fund and appeir to be directit fra his Majesteis Counsall, that they salbe weill and reddellie answerit and servit of guid and

Haddington MS. Excerpts.

sufficient posthorssis; and, gif I have na post hors of my awin, sall caus tham be servit with the cuntrie horssis that first can be had, and use all paines and travellis for that effect. And, for the better observing, performing and fulfilling of all and sindrie the premissis for my pairt thairof as is abonespecifeit, Johne Arnot, portioner of Lestelrig, is becumin bundin and obleist, and bindis and obleissis him, conjunctlie and severallie with me, the said William Arnot, under the paine of ane thousand pundis money of this realme haifing present course of peyment within Scotland at the dait heirof, and for keiping and observing of all uther injunctiones that salbe in ony wayes injoynit to me for the dischairge of my office. And I the said William Arnott bindis and obleissis me, my airis, executouris and assignayis, to releive and keipe skaithles the said Johne Arnot, his airis, executouris and assignayis, of his said cautionarie abonewrittin, and of all coist, dampnage and expenssis he or ony of his may incur thairthrow. And, for the mair securitie, we ar content thir presentis be actit and registrat in the Buikis of Secreit Counsall; and, to that effect, constitiutis etc. procuratouris in our name to consent to the registratioun heirof. In witnes quhairof we have subscrivit thir presentis with our hands at Edinburgh the tent day of May the yeir of God j^{m} vi^{c} and thrie yeiris, befoir thir witnessis: Alexander Dischingtoun, minister, and Edvart Mekiljohnne, wrytter heirof. Sic subscribitur: William Arnot, Johne Arnot, cautioner, J. Dischingtoun, witnes, Eduert Mekeljohne, witnes, George Tod, witnes."

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The Erle of Mars dischairge of his keiping of the Prince. Warrand for delyverie of the Prince to the Duke of Lenox.[1]

Stirling, 23rd May. [Prince Henry.]

[1] In explanation of these entries we have to go back to the movements of James's consort, Queen Ann, whom he had left in Scotland. She had made a resolute attempt, in her husband's absence, to accomplish the object she had long had at heart, but in which she had always hitherto failed,—the abstraction of her son Prince Henry from the guardianship of the Mar family, so as to have him in her own keeping (see *ante*, vol. v. pp. 230–231). The story is told both by Spotswood (477) and Calderwood, (vi. 230–231); but Calderwood's account is the more precise. It is as follows:—"Upon the seventh of May, the Queene tooke journey to Stirline, accompanied with some noblemen, where she had not beene before by the space of five yeeres. Her intentioun was to bring the Prince her sonne [Prince Henry] with her. Her purpose was perceaved by the Ladie Marr and her sonne; and, when requeist prevailed not, the Ladie Marr and her sonne, and the Laird of Keir, gave a flatt denyall, and would not suffer the Prince to goe out to the Torwood or whether the Queene would have had him. Hammiltoun, Glencarne, Linlithquo, the Lord Elphinstoun, the Maister of Orkney, came to Stirline, weill accompanied with their friends, but gott not entrie in the castell, unlesse they would entir, everie principall man, with two and himself [see *ante*, p. 162]. The Queene went to bed in an anger, and parted with childe the tenth of May, as was constantlie reported. The Erle of Marr came from the King upon the 12th of May, with full commissioun to the Queene to goe to England. The Queene would not looke upon him, but desired to have the letters which were sent from the King. He refused, unlesse he gott presence to discharge his secreit commissioun. The Queene sent a letter with post to the King, the Erle of Marr did the like; wherupon the King sent the Duke of Lennox thither from Court. The Duke came thither upon the 19th of May, and declared that the Maister of Marr, his mother, and freinds, had done good service to the King, and that he had commissioun to transport both the Queene and the Prince. The Counsell conveenned in the Castell of Stirline. It was concluded that the foure noblemen above-mentiouned who came to

[Edinburgh], 29th May. [New Councillors.]

The Lairdis of Edzell [Sir David Lindsay], Whittinghame [Archibald Douglas], and Cranstoun-Riddell [Mr. David Macgill], admitted upon the Privie Connsall. Haddington MS. Excerpts.

[Edinburgh], 31st May.[1] Payment of 2000 merks for not entring of Trumbils.

The Laird and Lady Ferniherst, not compeirand, wer decernit to releive Thomas Ker of Cavers of the sowme of twa thousand merkis, whilk he wes compellit to pay to the Kingis Thesaurar as cautioner for the said Laird, for contravening the band whairby the said Ferniherst, and Cavers, as cautioner for him, wer bund to have entered in the tolbuith of Edinburgh sum Trumbillis of Bewlie.

9th June. The Comptrollar contrar Johne Aslowane: Schip and geir confiscat for defrauding the custumes.

"Anent our Soverane Lords letters raisit at the instance of Sir David Murray of Gospertie, knicht, his Majesteis comptroller, and Mr. Thomas Hammiltoun of Drumcairne, his Hines advocat, for his Hines entres, makand mentioun, that quhair, be Act of Secreit Counsall maid at Dumfermeling the xxvii day of Aprill j[m] sex hundreth and twa yeiris, ratifeit and approvin be his Majestie and his Hines Estaites in the moneth of , it is statut and ordennit that na merchandis, maisters, auneris nor skippers of schippes arryveand within this realme, tak upon hand at ony tyme thairefter to lose ony of the merchandice, guiddis and geir, being within the same schippis, under quhatsumever cullour or pretence, at ony pairt within this realme, or then that thay convey ony of the same away, in defraud of his Majesteis dew customes, quhill the entres of thair schipis be maid, and the same, with the cocquetis ressavit be thame at the portis quhair thai ressavit thair laiddyning, be first deliverit to his Hines custumaris, and that they leive na pairt of the said merchandice, guidis and geir ungevin up in the

Stirline to the Queene repaire not within ten myles to the Prince. It was thought good that the Erle of Mar sould deliver the Prince to the Duke, and that the Duke again deliver him to the Counsell. The Counsell, to pleasure the Queene, delivered him to her and the Duke, to be transported and to be delivered by them to the King, and appointed so manie noblemen to attend upon her; of which number the Erle of Marr was not one, to pleasure the Queen. All parteis being contented, as seemed, the Erle of Marr tooke journey toward England immediatlie after." This extract will fill up the meagre notes in the text of what took place in the meeting of Council at Stirling on the 23rd of May.

[1] "Upon Tuisday the 31st of May the Queene and the Prince came from the Palace of Halyrudhous to the Great Kirk of Edinburgh, ryding in a coache, and accompanied with manie English ladeis in coaches, and some ryding on faire hors. Great was the confluence of people flocking to see the Prince" (Calderwood, v. 231).—Next day, June 1, the Queen, with Prince Henry and a sufficient train of attendants, set out on her journey to England, the Princess Elizabeth following them. Prince Charles, now generally called Duke Charles, as being Duke of Albany, was not thought strong enough to travel south yet, and remained under the guardianship of Lord President Fyvie. In a letter written by Lord Fyvie to King James the day preceding that of the present entry (May 30), he had referred thus to his young charge:—"Your sacred Majesties maist nobill sone Duik Chairles contenewis, praisit be God, in guid healthe, guid courage, and loftie minde, althoght yet weak in bodie; is beginnand to speik sum wordis,—far better as yet off his minde and tongue nor off his bodie and feite. Bot I hope in God he sall be all weill and prencelie, wordie of your Majestie, as his Grace is jugit be all werye lyke in lineamentis to your royall person" (*Memoir of Alexander Seton, Earl of Dunfermline*, &c., by George Seton, Advocate, 1882, p. 56).

Haddington MS. Excerpts.

said entres, nor conceill na pairt thairof fra the saidis customaris, under the pain of esheiting the haill merchandyce, guidis and geir swa to be loist, and of the schipis, crayeris, and veschellis out of the quhilk the samin salbe loist, as alsua under the paine of esheting of the haill merchandice, guddis and geir left out ungevin upe in the said entres,—as in the same Act and letters past thairupon, lauchfullie proclamit at the mercat croce of the heid borrowis and sie portis of this realme, at mair lenthe is contenit. As alsua, be ane Act of Parliament maid in November 1600 yeiris, it is statut and ordanit that na merchands nor utheris persones quhatsumever transport furthe of this realme, or bring within the same, ony merchandice, guides and geir uncustumat, under the paine of esheit of the saidis marchendeice, guidis and geir, and of the haill remanent guidis and geir pertening to the merchands auneris of the same, as in the same Act of Parliament at mair lenthe is contenit. Nochttheles, it is of veritie that, upon the sevint day of Maii instant, Robert Williamson, skipper and auner of the schipe of Dyssert callit the "Blissing of God," arryveand within this realme with his said schip layddynit with merchand geir out of Flanders, and namelie with the merchandice, guidis and geir pertening to the persones efter specifeit, he and the mairchands following,

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in contempt of his Majestie and without ony regaird had be thame to his Majesteis saids Acts of Parliament, Generall Conventione, and Secreit Counsall, bot expres contrair the tennour thairof, in the oppin firthe foiranent Gullanenes or thairby, lose out of the said schipe ane pacquet of merchand waires pertening to William Trumbill, merchand, burges of Edinburgh, taine out of the same schip be Johnne Slowane, his servand: quhilk pacquet the said Johne Slowane and skipper convoyit and transportit in ane fische boitt, and landit the same at the Craig of Fethray, and transportit the same thairfra quhair thay best pleasit,—quhairthrow the said Robert Williamsone, and the said Johnne Slowane, and William Trumbill, auner of the said pacquet, hes contraveynit the saids Acts of Parliament, Generall Conventioun, and Secreit Counsall, in losing the same befoir thay come to the port and gaife up thair entres and for not paying of the customes thairof, and thairfoir the penalties contenit in the saidis Actis aucht to be upliftit of thame, to the terrour of utheris to commit the lyk heirefter. And anent the chairge gevin to the said Robert Williamsone and Johne Slowane to have compeirit personalie befoir the Kingis Majestie and Lordis of Secreit Counsall at ane certane day bygaine, to have ansuerit to this complaint,—that is to say, the said Robert Williamsone to heir and sie it be decernit that he hes contravenit the saids Actis of Parliament, Generall Conventioun, and Secreit Counsall, in loseing of the pacquetis of the merchandice abonewrittin in forme abonespecifeit, and not geving up the same in entres, and thairfoir his said schip to be confiscat to his Hines use, and lykwayes the said Johne Slowane to haive hard and seine him decernit to gif up ane just and trew inventer of the haill particuler sortis and quantetie of the merchandice being within the said pacquett, and to mak the same furthecumand to his Hines use, and to

heir and sie thame decernit to haive contravenit the haill Actis of Parliament, Generall Conventioun, and Secreit Counsall abonewrittin, in transporting of the said pacquet uncustomed, and thairfoir the same, withe all the rest of his movable guiddis, to be decernit to appertene to his Majestie be vertew of esheit, conforme to the tennour of the saids Actis in all pointis, with certificatioun to thame and thai failyeit his Majestie and the saidis Lordis wald decerne in maner foirsaid, lyke as at mair lenthe is contenit in the saidis letters, executiones and indorsationes thairof. Quhilkis being callit and the saidis persewaris compeirand be Robert Arnot, comptroller deput, and Archibald Prymrois, thair procuratouris, and the said Johne Slowane compeirand personalie, and the said Robert Williamsone being oftymes callit and not compeirand, the Lords of Secreit Counsall assoilzeis simpliciter the said Johne Slowane fra the persute and petitioun of the saidis persewaris in this matter, and fra the haill claussis and articlis contenit in the saidis letters, and decernis him quyt thairfra in all tyme cuming, becaus, the haill pointis of the saidis letters being referrit be the saids persewars to the said Johne Slowane his aithe of veritie, and he, being deiplie sworne thairintill in presens of the saidis Lordis, declarit be his greit aithe that the same wes not of veritie; for the quhilk cause the saids Lords hes assoilyit and assoilzeis the said Johne Slowane in maner foirsaid. And, farder, the saidis Lords finds and decclaires that the said Robert Williamsone hes contravenit the saidis Acts of Parliment, General Conventioun, and Secreit Counsall, in loseing of the pacquet of the merchandice abonewrittin in forme abonespecifeit, and not geving up the same in entres, and thairfoir decernis and ordanes the said schip to be confiscat to his Hines use, conforme to the tennour of the saidis Actis in all pointis, becaus, he being lauchfullie chairgit to haive compeirit befoir the Kingis Majestie and the saidis Lords to haive hard and sein decreit gevin in maner abonewrittin, or ellis to haive alledgit ane ressonabill caus in the contrair, with certificatioun as is abonespecifeit, and he, being oftymes callit, compeirit not be himself nor nane in his name to schaw any ressonabill caus in the contrair; for the quhilk caus the saidis Lordis hes decernit and decernis in maner foirsaid." ington S. Excerpts.

The Laird of Spot contrair Arthour Stratoun: Ischear fie dischairgit to be tane of infeftmentis originall, and the keiper of the privie seill ordanit not to tak hiar pryce nor the prent Act bearis.

"Anent the complaint maid to the Lords of Secreit Counsall be James Douglas of Spott upon Arthour Streatoun, wrytter, makand mentioun that, quhair it hes pleasit the Kingis Majestie efter the said complenners lang banischment to gif him ane gratious restitutioun and grantit to him ane infeftment of that pairt of waist land quhairupoun the auld castell of Dumbar sumtyme wes situat, not exceiding twa aikaris of land; and haveing causit present his precept to the said Arthour for appending the privie seall thairto, he refuissit to do the same without he be peyit sex pundis for alledgit ischar fie and uther sex pundis for appending of the privie seill to the said precept, quhilkis ar extraordinar pryceis and contrair to the tabill sett doun in the end of the Acts of Parliament appointit to be observit be the keipars of his Hines seillis, and under the pane of Fol. 321, a.

Haddington MS. Excerpts.

thair deprivatioun: quhairby it is ordanit that na ishar fie salbe peyit for the propertie or annexit temporalitie, and that the pryce of the privie seill salbe the doubill of the signet. And trew it is that the said peice grund is of his Majesteis annexit and dissolvit propertie, and that the isharis fies is nawayes necesser within this realme, in respect that thair service is nawayes in thair partis, nor na benefite nor commoditie can befall to thame be that office,—seing his Majestie and the presence of his Court ar removit. And anent the chairge gevin to the said Alexander Streatoun to haive compeirit personalie befoir the saidis Lordis this present day, viz. the nynt day of July [? Junii] instant, to have ansuerit to the premissis, and to haive hard and seine the ischar fie foirsaid, acclamit be him, dischairgit, and he ordanit to ceis fra the sute thairof in tyme cuming, and to haive hard and seine him decernit to content himself for the appending of the seill foirsaid with the doubill peyment of the signet, conforme to the lawis and Actis of Parliament, or ellis to haive schawin ane ressonabill caus quhy the samin sould not be done, with certificatioun to him and he faliyeit his Majestie and the saidis Lordis wald decerne in manner foirsaid, and wald ordaine letters of horning to be direct againes him for that effect upon ane simpill chairge of twa houris allanerlie, lyk as at mair lenthe is contenit in the said complaint, executiones and indorsationes thairof. Quhilkis being callit, and the said persewar compeirand be the Lord Quhittinghame, his procuratour, and the said Arthour Stratoun being personallie present, the richtis, ressonis and allegationes of bayth the saidis pairteis being hard, seine and considerit be the Lordis of Secreit Counsall, and thay ryplie advisit thairwithe, the Lords of Secreit Counsall decernis and ordaines the said Arthour Streatoun to decist and ceis fra the sute of ony ischar fie for the infeftment abonewritten in tyme cuming, and ordaines him to append the privie seill thairunto upon the peyment of the pryce sett doun and prentit in the end of his Hines Actis of Parliament, and ordaines letters to be direct againes him for this effect upon ane simpill chairge of twa houris onlie."

Mr. George Sempill contrar Presbiterie of Paislay: Presbiterie of Paislay dischairged to proceid to excommunicatioun aganis Mr. G. Sempill for persewing ane reduction of ane decreit of the Kirk before the Session.

In presence of the Generall Assemblie certane personis being nominat arbitours betuix Mr. George Sempill, minister at Killellane, and Maister Johne Cuninghame, minister at Houston, and thay having gevin furth thair decreit, be the whilk Maister George, finding himself prejudgit, intentit and persewit reduction of it before the Lords of Session, the presbiterie of Paislay admoneissed the said Maister George, under the payne of excommunicatioun, to desist fra his persute and renunce the same *juri, liti et causæ* [?], and simpliciter to obey the said decreit arbitrall without contradictioun. Maister George suspended the chairge. Whilk being called, and the said Mr. George for himself and certane ministers of the presbiterie of Paislay compeirand als for thameselfis and the haill presbiterie, the Lords dischairged the said presbiterie of Paislay simpliciter of all proceiding aganis the said complenar in the said proces of excommunicatioun and of thair offices in that pairt

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The Lords of Secreit Counsall thinkis meit that the Lord Chancelar

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Inventar to be maid of the movablis of Halirudhous.

and Clerk of Register visit the palace of Halyrudhous and mak inventar of the insicht and plenissing being thairin, and to delyver the dowbill of the same to Johne Fentoun, comptroller clerk, and Thomas Fentoun, keiper of the said palace. Haddington MS. Excerpts.

10th June. Inventar of the movables of Halyrudhous.

"The quhilk day, Johne, Erle of Montrois, chanchler, Mr. Johne Skeine, clerk of his Hines register, haifing visit the paleice of Halirudhous and everie particuler hous of the same, exceptand the gairdrobe, fand na uther thinges by [*i.e.*, besides] the particulers underwrittin, except sum buirds, furmes and stuillis not wourthie to be inrollit:—In the first, in the counsalhous ane knok: in the over chalmer abone the Quenis cabinet twa peicces of tapestrie: in the maister of warkis outwithe chalmer, upoun the buird ane turkie coverlatt: in his inner chalmer ane fair wrocht pend for ane bed, wantand the heid and bak pend, with courtinges for the frontell and the fut; ane chair coverit with purpill weluot; ane coverlet of ane burd of reid weluot upon quhyt saitting; ane auld covering of ane bed of changing talphetie: item, lyand in the trans be the quhilk thai gang to the wyld bestiall, twa peices of talpestrie:—quhilkis ar deliverit to the keiping of Thomas Fentoun and he to be ansuerabill thairfoir. The saidis Lords ordaines the key of the chalmer duir to be delyverit to the said Thomas Fentoun, quhairintill the bell is hingand, with the haill buirdis and dasks that war standing thairnitill of befoir."

15th June. Proclamation anent tulzies: Tuilyes whair the Counsall is to be puneissed as they wer whair the King remanit.

"The Lordis of Secreit Counsall considdering the manifald indigniteis fra tyme to tyme done to his Majestie the tyme of his Majesteis residence in thir pairtis be ane number of irreverent and undewtiefull subjectis, quha, to the contempt and dishonour of his Majestie, [quha?] hes committit full pouer and commissioun for governament of this realme in his Hines absence, still continewis in making of tuilzeis, and seikis the commodetie to revainge thair particuler querrellis within the burghe of Edinburgh and the Cannygait, and in divers uthers pairtis ewest to the plaice of the saidis Lords residence, not spairing sumtyme in thair awne presence and at thair bakis to use thair privat revainge. Lyk as thair ar dyvers persones that, under pretence of thair awin defence, repaires and resortis within the college of justice, and uthers pairtis quhair the saids Lords residence is, furneissit and airmit with jakis, secreitis and corslatis under thair doublettis and coittis, upon na guid pretence. For remeid quhairof and eschewing of the inconvenientis quhilk heirupoun may ensew in tyme cuming, it is statut and ordanit be the Lordis of Secreit Counsall that, if onie persone, of quhat estait, qualitie or degrie they be of, sall presume or tak upoun hand at ony tyme heirefter to invaid or persew ony of his Majesteis subjectis within ony pairt of this realme within ane myle to the saidis Lords residence and remayning for the tyme, or quha sall resort and repair within these pairtis quhair thai ar airmit in maner foirsaid or utherwayes, that the saidis persones salbe takin, apprehendit, wairdit for the space of yeir and day, and farder ay and quhill they fyne

Haddington MS. Excerpts.

and acgrie with the saidis Lordis for thair libertie, according to the saidis Lordis guid plessour; and ordaines letters of publicatioun to be direct heirupoun in forme as effeiris, quhairthrow nane of his Majesteis subjectis pretend ignorance of the same."

16th June. Inglisman maid frie of all outward custume.

In ane action persewit be Adrian More, Inglisman, aganis George Smaillum, the Lords find that the said Adrian, being now oure Soverane Lordis subject, sould be frie of all outward custume.

Bands of manrent and for payment of sowmes extorted be feire declaired null.

My Lady Cassillis, the Maister of Cassillis, and thair servands, persewed the Lord Ochiltrie, Laird of Auchindrane, and uthers, to heir and sie it fund that, wrangouslie, unlaufullie and injustlie, thay forcit and compellit the complinars, being thair prisoners in Auchinsoule, to gif thame bandis of manrent, and for payment of great sowmes of money,—and to heir the samin declairit null. The Lord Ochiltrie compeirand, the Lords declairit the saids bandis null, and my Lord Uchiltrie denyit that he knew of ony sik bands, and renuncit thame.

Fol. 322, a.

Windsore, 5th July. [Earl of Linlithgow and the Princess Elizabeth]. Act in favour of the nobilmen wha wer with the Quene at Stirling [with exoneration to them and to the Earl of Mar].

Act in favour of the Erle of Li[nli]thgow, dischairgeing him and my Lady of the upbringing of the Princes [*i.e.*, Princess] and of thair dewtifull caire and service in that behalf.

"The whilk day, the Quenis Majestie convenit with sa mony of his Majesties Counsall of Scotland as hes undersubscryved, for tryall of the offence quhilk the Quenis Majestie had consavit againes Johne, Erle of Mar, in the lait accident fallin out in the Castell of Striviling the day of last bypast, and of certane speichis quhilkis sould haif beine gevin out aither be word or writ be the said Erll, quhilk micht haive tuichit the Quenis Majestie in honnour or gevin hir caus of discontentment, or quhilkis micht haif concernit ony nobilman that wes in hir cumpanie send for be hir [see *ante*, p. 571, footnote], the said Erll protestit and declairit, upoun his saull and conscience, that he never meanit onything that micht offend hir Majestie, swa naither be word nor writ gaif out ony purpois that micht concerne hir aither in hir honour or in hir love and dewtie with his Majestie, or had nevir ony intentioun bot in all humilitie to honour and serve hir Majestie in all respectis as the meanest subjectis within hir Majesteis dominniounes; and, as concerning the noblemen that wes thair with hir Majestie, the said Erle declaires that he hes na accusatioun againes thame, nor na uther subject that wes thair. The Kingis Majestie, with advise of his said Counsall, finds and declaires hir Majestie na wayes to be tuichit in honour in the said matter; lyk as, of thair particular knawlege, every ane of thame declairit that they nevir hard, nather be the said Erle nor ony uther, ony thing in all that matter quhilk in onywayes micht tuiche hir Majestie in honour. And lykwayes his Majestie and his said Counsall finds and declaires that thair wes nathing in all that actioun that may draw ony offence or undewtifull behaviour againes the said nobilmen and utheris that accumpaneit the Quenis Majestie at the tyme foirsaid, and thairfoir exoneris and releives thame and

every ane of thame of all paine and cryme that may be imput to him thairthrow for evir; and ordaines thir presentis to be insert and registrat in the Buikis of Secreit Counsall of Scotland *ad futuram rei memoriam.* Sic subscribitur: Lennox; Argyle; Huntlie; Lowdoun; Sir George Home; Elphingston; E. Bruice; Blantyre; Ross; P. Dunkeld; Halirudhous; Sir Robert Melvill [of Murdocairny]; Sir Robert Mevill [of Burntisland?]; Mr. Thomas Hammiltoun; Kilsyth [*i.e.* William Levingston]."[1] Haddington MS. Excerpts.

[Edinburgh], 7th July. Band for entrie of ane man declaired null because he died befor the day appoynted for his entrie.

Ane act whairby the Lairdis of Tealing and Logie Mekill wer bund as cautioners under the payne of fyve thousand punds for entrie of umquhill Johne Currour before the Counsale declaired null, and thay fred thairof, because they verifeit sufficientlie the said umquhill Johne to have deceassed before the day appoynted for his entrie.

Benefit of the proclamation granted to ane Makgregour for slauchter of ane proscripted rebell.

Johne Dow Makewne Makgregour, for the slauchter of David Ros Makwilliame, and William Ros Makwilliame, his brother, socht the benefite of the proclamatioun maid aganis the saids David and William Rossis,—to wit, remission for all his bypast crymes and fyve hundreth merkis: whilk wes grantit to him be act of Counsell.

[Edinburgh], 14th July. Ordaned to find caution not to reset, supplie or intercomoun with rebels.

Maister Alexander Dowglas, minister of Elgin, and his brether compleanand that the Lairds of Innermarkie and Innes resset certane Innessis, rebells and put to the horne for the slauchter of the persewars brother, Innermarkie, compeirand, wes ordanit to find caution in the Buikis of Adjournall not to resset, nor supplie or intercomoun with any of the saids rebellis, and to underly the law when he sall be chairgit to that effect, under the payne of 2000 merks, and to find the lyke caution for indemnitie of the saids persewars.

[Edinburgh], 18th July. [Lord Roxburgh.]

The Lord of Roxburgh nominat the Laird of Greneheid to be ansuerabill for his men [see *ante*, p. 560 footnote].

[Edinburgh], 19th July. Ane mans aith tane that he is not interdytit, nor his escheit or lyfrent disponit.

The whilk day compeirit personallie Johne Johnestoun, bailyie of Water of Leith, and in presens of the Lords of his Hienes Secreit Counsall declairit be his great aith that he wes nawayes interdytit at the instance of any persoun or personis, nather yit that the gift of his escheit and lyfrent is disponit to ony persoun, bot that he remanis presentlie in full possessioun of his landis, leving, guidis and geir.

[Edinburgh], 21st July.

The Lady Bargany being put to the horne be Johne Yallowleyis, messinger, Fol. 322, b.

[1] The Queen, with the elder prince, Henry, who had left Edinburgh with her on the 1st of June, and also with the Princess Elizabeth, who had been brought after her two days later (*ante*, p. 572, footnote), was now with the King at Windsor; and, naturally, the Queen's recent quarrel with the Mar family at Stirling was a subject of discourse between her and the King. Spotswood, who notices both of the present Acts of the Scottish Council at Windsor (pp. 477–478), adds that the King had taken the Earl of Mar's part strongly, and had succeeded in reconciling the Queen to the Earl. He also adds that the Princess Elizabeth, when taken from the guardianship of the Earl of Linlithgow, was given into that of the English Lord Harrington.

Haddington MS. Excerpts.

for not randering the house of Ardstincher, as scho and hir cautionars wer bund, scho [has the horning] suspendit; in discussing whairof scho wes fund wrangouslie denuncit, and Johne Yallowleis, messinger, executour of the letters, being examinat, wes depryvit and dischairgit of his office, under the payne of deid. Messenger tryed to have maid wrangous execution depryved.

The keiping of the caschet committit to the President. [Cachet entrusted to Lord Fyvie.]

"Forsamekill as the discoverie of a most horrible and wicked interpryse of treason aganis the sacred persone of his Majestie is impairttit be adverteisment from Court to the Lordis of his Privie Counsall all resident heir, thairwithe notifeing unto thame that, upon the apprehensioun and examinatioun of thease that ar gyltie and presentlie at commandiment, thair ar sum persones of guid rank, and uthers, how soever of bad calling, yit plotteris and speciall persecutaris of this thair disapointit purpois, praised be God, quha, upon the feir of thair awin giltines, hes absentit thameselfis and becum fugiteives, thairby not onlie intending be abstracting thameselfis to eschew the dew punneisment of the law quhilk micht be inflicted upon thair persounes, bot also frustratting sic tryall and discoverie of the said treasone, and the ploittaris, devyssaris and executaris and complices thairof, as micht be had be thair exeminatioun gif they had bein taikin and apprehendit:—Of quhais eschaip the adverteisment is send hither upon na uther respect at all bot upoun suspitioun that thease mischant and rebellious tratouris may repair tither upone the assurit persuatioun of the greit loyaltie that thair awin cuntriemen beires to the Prince, being dispairit of ony succour or helpe at any freindis handis quhatsumevir, aither be affinitie, consanguinitie or conformitie of religioun, gif thai sall pretend it. They being at this tyme outlawis and unansuerabill to the lawis for sik ane vyle cryme, they may haunt thair for taking the occasioun perhapis to reteir thameselfis hither, and thairewithe hoip to remaine in this cuntrie undiscovered, and be that meanes mak this his Majesteis realme aue refuge and ressettacle of tratouris, yea of sik as ar conspiratouris aganes his awin maist excellent persone and Lordis of his Hines Privie Counsall, resting fullie assurit of a maist loving, faithfull and obedient careaige in all his Majesteis subjectis within this his realme, they being bund thairunto be the law of nature and subjection, bot speciallie all in generall and everie ane of qualitie amang thame in speciall being astrectit thairto be the greit pruife and experiance of his dexteritie, fatherlie caire and providence had be him in the governament of this his peopill thir mony yeiris bygaine; quhais actiounes in this estaite hes maid our nichtbouris to invy our guid fortune, be thristing so eirneistlie to cum under the yok of his obedience, and in geving pruife of ane maist dewtifull regaird they beir toward him now thair Soverane, [? so that] the malifactouris naime, and specialie in sik ane heiche point of tressoun, is na soinar discoverit then he is apprehendit: quhairin ane just emulatioun of thair proceidings may move us, without offence to God, displeisour of the Prince, or greife to our nichtbouris, to preis be all meanes, [Edinburgh], 25th July. Proclamation aganis Sir Griffin Markhame and uthers [fugitives from England on account of their concern in the Cobham-and-Raleigh Conspiracy].

gif we [? may not] ouerpas thame, yit to equell thame in kything of our dewtie to our Soverane. And thairfoir, becaus it is suspectit that the persones quhais names ar heirto annexit, with ane speciall nott of thair aige, cullour and linninamentis of thair bodie, hes maid thair repair hither to this his Hines realme, it is ordanit be the saids Lordis of his Hines Privie Counsall that publicatioun be maid at the mercat croce of Edinburgh, and at the haill borrowis of the schyres within this realme, in his Hines naime and authoritie, commanding and chairging all his Hines subjectis within all the pairtis of this his Hines realme to mak present seirche and inquyre for Sir Griffaine Markam, knycht, and sik uther persones as salbe to this present proclamatioun annexit, and, in caice of thair apprehension of thame or ony of thame, that thai present thame befoir the Lordis of his Hines Privie Counsall presentlie resident at Edinburgh; with speciall command to all shereffis, stewartis, provostis, baillies of borrowis, and all utheris his Majesteis officiaris or ministeris of the lawis, chairging thame and everie ane of thame, within the boundis of thair commandimentis, to mak diligent seirch and inquyre for the saidis persones; certefeing and assuring all persones quhatsumever quha salbe tryit at ony tyme heirefter to haive beine the ressetters and suppliaris of the saidis persounes or ony of thame, and sall not discover and delyver thame to the nixt magistrat for thair sure keiping, [they] sall, without ony favour or graice, ressave the same punneisment demeritit be the saidis malefactouris. And, becaus it may be justlie suspectit that thair fleing into this cuntrie is upon na uther respect at all bot to imbark thameselfis at sum sie port to sum forraine pairt, thairfoir it is heirby expreslie prohibit and dischairgit that na persones quhatsumevir, maisteris, auner, skipper or mariner of ony schip or bark in ony sie port within this realme, preis in ony wayes to transport ony passinger quhatsumevir furthe of this realme without he be fullelie liecencit be ane warrand grantit be the saidis Lords of Counsall thairto,—certefeing and assuring the contraveinouris thairof that thai salbe demanit as tratouris, and thocht giltie and culpable and associat of the vyle intendit interpryse abonewritten. And, generallie, the saidis Lordis willis and requyris euerie subject within this realme to gif full demonstratioun, be thair actioun in apprehending these fugiteive tratouris, of that sincer love and affectioun they beir and cairry toward thair most dreid Soverane, the onlie father of thair cuntrie and commounwelthe.—Sir Griffaine Markam hes ane lang braid faice of blak complexion; ane greit nois; ane of his hands is hurt by ane hurt in his airme ressavit be ane shot of a bullet; he hes thyn and lyttill hair on his beird; and all his brethren ar tauld of steture, young, and without ony hair on thair faice, of exceiding swarthy and bad complexiones, and haive all exceiding greit nossis.—William Watson, preist, is ane man of the lawliest sort, about xxxvi yeir of aige, hes haire betuixt a broun and flaxen; he loukethe aglied and is verie sandblind,—sa quhenas he reidis onything he puttis the peper neir to his eyes; he did weire his beird at lenthe, of the same culloured hair as his heid; bot information is gevin that now his beird is cutt.—Williame Clark, preist,

Haddington MS. Excerpts.

Fol. 323, a.

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is a man of middill stature, inclynning to the lawer sort, about the aige of xxxvi yeires, his hair betuix reid and yallow; he keipis his beird close cutt; he is not lene nor corpulant bot betuixt baithe, rather leine."[1]

[Edinburgh], 11th August. The Comptrollaris commission for lifting a guarde [to consist of a body of forty horsemen to act as a flying police at the service of the Council for the execution of its orders].

"The quhilk day, Sir David Murray, comptroller to his Majestie, compeirand in presens of the Lords of his Hines Privie Counsall, producit ane commissioun grantit be our said Soverane Lord to the said Sir David for uplifting of fourtie horsmen, quha ar to be reddie at all occasiones to execut the will and directiounes of the Lords of Sessioun and Privie Counsall, and for repressing of all disordourlie and disobedient subjectis, contening thairintill the monethlie pay appointit alsweill for the commander as the cornett and haill rest of the cumpanie. The quhilk commissioun, in all and sindrie pointis, heidis and articles thairof, the saidis Lordis of Privie Counsall hes allouit, and ordannit the same to have effect and to tak begyning the fyftein day of September nix to cum, and ordanit the same to be extendit in forme of Act contening the haill tennour and bodie of the said commissioun.—Fallouis the commissione:

[1] The day of this Proclamation by the Scottish Privy Council in Edinburgh, July 25 1603, was the day of the coronation of King James and his Queen in Westminster Abbey. Whitgift, Archbishop of Canterbury, performed the chief part in the ceremonial, which, though splendid enough, was less splendid than it would have been but for alarm on account of the Plague, which had been prevalent in London for some months. For some time before the coronation, the King and Queen, to avoid the Plague, had been residing at Wilton, the seat of the Earl of Pembroke, near Salisbury; and it was while they were at Wilton that there had been the discovery of the English treason or conspiracy to which the present proclamation appertains. The persons implicated in the conspiracy, or accused of it, were Lord Cobham, Lord Grey of Wilton, Sir Walter Raleigh, Sir Griffith Markham, Sir Edward Parham, George Brook, Bartholomew Brookesby, Anthony Copley, William Watson, and William Clark, the two last being Roman Catholic priests. The charge against them was that they had formed a plot for seizing King James and Prince Henry, and placing the Lady Arabella Stuart, the King's cousin and nearest rival in the succession, on the English throne, and that they had been in negotiation with the Flemish Ambassador, Count D'Aremberg, with a view to Spanish help in their project. There is much obscurity as to the real facts of the affair, and especially as to what may have been the real share taken in it by the greatest man among the accused,—Sir Walter Raleigh. There can be no doubt that Raleigh was one of a number of eminent Englishmen who regarded the accession of the Scottish King to the English throne after Queen Elizabeth's death with the reverse of satisfaction. One tradition, handed down by Aubrey in his *Lives*, bears that "at a consultation at Whitehall, after Elizabeth's death, how matters were to be ordered and what ought to be done, Sir Walter Raleigh declared his opinion 'twas the wisest way for them to keep the government in their own hands, and set up a Commonwealth, and not be subject to a needy, beggarly nation"; another tradition, without going so far, bears that Raleigh, with some others, advised that King James should be at least bound by certain definite articles before he was admitted to the succession. Reports of these speeches or efforts of Raleigh had, of course, reached James after his arrival in England; and Raleigh had found the consequences. As one of the least acceptable of Englishmen, he had been frowned from Court, and had been deprived of his office of captain of the Royal Guard. That in these circumstances he had not reconciled himself to the rule of the new Sovereign, and knew of murmurs, or more than murmurs, against him, is probable enough; but he denied any such concern in the Cobham Conspiracy as was attributed to him. Nevertheless, he and the rest of the accused were now under arrest and waiting for their trial in England, with the exception, it appears, of Sir Griffith Markham and the two Roman Catholic priests, who were fugitives for the moment. It was thought they might have fled to Scotland: hence the Proclamation.

—James, be the grace of God King of Ingland, Scotland, France and Ireland, Defender of the Faithe, to all and sindrie quhom it effeiris to quhais knawledge thir presentis sall cum, greitting:—Forsamekill as we haveing ane speciall caire and regaird of the weill and quyetnes of our kingdome of Scotland, and that our awin absence furthe of the same salbe na hinder, lett nor impediment to the dew executioun of the decreitis and ordinances of our Privie Counsall and Sessioun, or that disordourit and insolent persones sall thairby tak occasioun to brek louse, or to contemp and misknaw the authoritie of our said Counsall, bot that our said Counsall sall at all tymes be assistit with ane sufficient and competent number of men in airmes, quha salbe reddie at all occasiones to put in executioun all sik directiones as sall proceid from our said Counsall: And having a pruife of the guid affectioun of our trustie servitour Sir David Murray of Gospertie, knicht, our comptroller of Scotland, to do us service, and that he is maist meit to haive the conduct and chairge of the persones to be lyftit for this service: Thairfoir we, withe advise of sik of our Privie Counsall of Scotland as ar heir resident with us, haif gevin and grantit, and be the tennour heirof gevis and grantis, our full pouer and commissioun to the said Sir David Murray to levay and tak up fourtie horsmen in airmes, and with thame to attend and await upon our said Counsall, and be in reddines at all occasiones to be imployit and directit be thame as the necessitie of the service salbe presentit,—ouer the quhilk cumpanie we mak and constitut the said Sir David captane and commander, with pouar to him to ellect and chuse lovetennent, cornet, and all utheris memberis of his cumpanie neidful. Lyk as we haif appointit and assignit, and be the tennour heirof appointis and assignis, to the said captaine and his cumpanie the sowmes of money respective underwrittin: viz. to the said captane the sowme of ane hundreth libs., to his cornett the sowme of fyftie libs., and to everie ane of his cumpanie the sowme of xxiiii libs.—to be payit to thame in monethlie pey furth of the first and reddiest of our propertie, rentis and patrimonie of Scotland be our comptroller quha sal happin to be for the tyme,—begynand the first monethis peyment upon the xv day of September nix to cum; commanding heirby the Lordis Auditouris of our Chekker to allow the sowmes abonewrittin to our said comptroller, present and to cum, in thair yeirlie comptis. Gevin at Windishour the day of July j^m^ sex hundret and thrie. Sic subscribitur,—JAMES, REX: et sic subscribitur,—Lennox; Argyle; Huntlie; Mar; Caithnes; Linlythgow; Lowdoun; Elphingstoun; Blantyre; Dunkeld; Ross; Kilsythe; Mr. Robert Melvill; Maister Almuusar." Haddington MS. Excerpts. Fol. 323, b.

[Edinburgh], 13th August. Proclamation aganis Maister David Wemis for hurting ane minister.

"Forsamekill as thair is adverteisment maid to the Lords of his Hienes Privie Counsall of ane maist barbarous and detestable crueltie committit be Mr. David Weymes, sone to Duncan Weymes of Pitcanie, in stryking and hurting of Mr. Johne Chalmer, minister at , withe ane sword, without any caus of feid or rancour, bot onlie insencit with iyre that the said Mr. Johnne sould haive in ony wayes blamit him for his former

Haddington MS. Excerpts.

wanreullie lyfe in willing him to submit himself to the ordiner discipleine of the Kirk; of the quhilk hurt and wond as thair is nathing acceptit [*sic*] bot deithe to ensew, swa the preperative heirof pasing unpuineist is abill to produce mair greitter enormiteis heirefter,—the persones of ministers and pastouris, quhais calling and functioun aucht not onlie to be ane saifgaird to thame fra the invasioun of ony pairtie, bot also sould induce sum reverence to be borne towardis thame be all sorts of persones, being in ane maner als far misregairdit as ony uther, quhairas amanges the verie ethnikis not onlie the persounes of the preistis bot thair guides and possessiounes wer accomptit sacred. Thairfoir the saids Lords of Privie Counsall, upon the consideratioun of the wyldnes of the said fact, hes ordanit publicatioun to be maid at the mercat croce of Edinburgh, peir and schoire of Leithe, and at the haill sie portis of Lowdiane, Fyfe, and Angus, and utheris plaices neidfull, commanding and chairging all provest, bailleis and utheris, his Hienes officiaris within burghe, all shereffis, stewards, bailleis and utheris ministers of the law to landwert, that thay and everi ane of thame, within the bounds of thair awin jurisdictioun, mak speciall seirche and inquyre for the said Mr. David Weymes quhairevir he may be apprehendit, bring, enter and produce him befoir the saidis Lords, as thai will ansuer to his Majestie and his said Counsall upon the faythfull dischairge of thair offices: heirby expreslie inhibiting and dischairging all maisteris, marineris, skippers or auners of any schipis or barkis, in ony wayes that they pleis to ressave him and transport him furth of the cuntrie,—certefeing the contravener that he sall nocht [only] incur the paine of deithe, bot the confiscatioun of his schip and haill rest of guiddis and geir movabill. And lykwayes heirby it is speciallie prohibit to all our Soverane Lordis lieges that they in ony wayes gif ony harberie or supplie aither in meit, dreink or ludging to the said Mr. David, under the paine of deithe,—certefeing the contraveners that the said paine, with all rigour, salbe execut aganes thame."

Reposition of John Yallowlieis, Dingwell pursevant, to his office [*ante*, p. 578]. [Edinburgh], 18th August. [Messenger reponed.]

Question being alledgit to be betuix Agnes Mauchane, and Hary Drummond, hir spous, on the aine pairt, and Archibald Hamiltoun of Bairfute, on the uther pairt, for the right of the cornis growand upon ane aiker of the lands of Monkrig this yeir 1603, whilk wes lyk to breid convocation and troubill, thairfore Robert Hepburne of Over Haillis wes ordanit to scheir and win the saidis cornis, and the pairties chairgit not to mell thairwith whill thair richtis be tryit, under the payne of rebellioun. [Edinburgh], 23rd August. Sequestration of cornis.

The Lady Craigihall and young Lamingtoun being persewed be Niniane Makmoran for entrie of Johne and Stewartis, wha came fra thair cumpanye and duelling place of Craigihall, and in oppin daylicht reft fra the said Niniane certane hors, they being cled with pistolettis, etc.,—the [Edinburgh], 25th August. Lady Craigihal and young Lamington wairdit for not

entring Stewarts for oppressing of Niniane Macmoran.

saids Lady Craigihall and young and the saids Johne and Lamingtoun, compeirand and not entered Stewartis, wer commanded to enter in wairde in the castell of Edinburgh. Haddington MS. Excerpts.

[Trial of William Douglas for slaughter.]

The Advocat aganis the personis being upon the assyse of Williame Douglas of Baitfurde wha clengit him of the slauchter of James Douglas of Killivaran.

Intromission with the Makgregours guids that wer at Glenfrune.

Act in favour of the gentilmen of the Lennox, bearing ane supersedere to thame for all persute, criminall or civile, for ony of thair intromissoun with the guides and geir of the Clan Gregour who ar giltie of the murthour of Glenfrune [see *ante*, p. 534 and p. 558, footnotes].

[Edinburgh], 1st September. Proclamation aganis hornaris [repeating his Majesty's determination to bring all rebels to obedience, and ordering the pursuit of such by the new armed Guard now at the disposal of the Council].

"Forsamekill as the Kingis Majestie remembering how that the cheiffe and principal caus quhilk procurit the rebellioune of sua greit a number of persones of all degreis and rankis within the kingdome of Scotland, and the default in that ordinar executioun quhilk sould have followit upone decreittis and sentences of the juges of the countrie, proceidit fra the oversycht and impunitie schawin to the saidis rebellis, and fra the negligence of the shereffis, stewartis and utheris ordinar magistrattis, to quhais office and chairge the apprehensioun of the saidis rebellis and the executioun of the saidis decreittis properlie aperteinid: And his Majestie having a speciall cair to haive this realme purgit of the said rebellioun, and of the greitt contempt, dishonour and sclander quhilk thairby his Majestie sustenit, to the effect his Hienes guid subjectis, quha sa lang hes bene frustrate of the benefite of the law be the rebellioun of the saidis persones, may now ressaive that confort and contentment quhilk thay thaive lang luiked and wisched for: His Hienes, for this effect, hes appointit ane ordinar garisone of horsmen under waiges to be lifted and interteneid within this countrie, quha ar appointed to mak thair residence with his Majesties Counsall of Estait heir, and to be in reddines at all occasiounis to hunt, follow and persew all and quhatsumevir rebellis within this countrie, without respect of persones, quhither thair rebellioun be for civill or criminall caussis, and to tak thair houssis and uplift thair eschaitis as thay salbe directit and commandit. Quhilk garysone is ordenit to be in reddines to give thair mustouris upone the xv of this instant moneth of September, and thairefter to be imployit in service as the occasioune sall present. And thairfoir the saidis Lordis ordeanis letters of publicatioun to be direct heirupon, and to wairne all his Majesties lieges and subjectis quha presentlie underlyis or heirefter sall underly the proces of horning that thay with all guid diligence purge thameselffis of the saidis hornings and obtene thameselffis relaxit fra the horne, according to that dewtie quhilk belongeth guid subjectis: certifeing thame that failyeis that thay salbe persewit be the said garisone, according to his Majesties directioun, without favour. And, for this effect, to command and chairge all and sindrie shereffis, stewartis, bailyeis, thair deputtis and clerkis, within this realme, to extract the haill names of the persones denuncit rebellis and put to the horne and registrat in thair Fol. 324, a.

Haddington MS. Excerpts.

buikis, and to mak ane perfyte roll and cattollogue of the same naimes, and to effix the same on the marcat croce of the head burgh of the schyre, to the effect thair names may be knawin and ordour and directioun gevin for thair persute and apprehensioune as apperteanis, as the saidis shereffis, stewartis, bailyeis, thair deputis and clerkis, will answer to his Majestie and Counsall upone thair obediance at thair utermest chairge and perrell."

[Edinburgh]. 20th Sept. Proclamation aganis hagbuttis and pistolettis [announcing new determination of rigour against the wearers of such arms].

"Forsamekill as, the Kingis Majestie, our Soverane Lord, being movid with that barbarous and schamefull custome of beiring and weiring of hacquebuttis and pistolattis quhilk onlie within this kingdome of Scotland, without the example of ony uther cuntrie or commounewele, wes sa frequent and commoune, his Majestie, als weill be mony guid Actis of Parliament, Conventioune, and Secreit Counsall, as be uther extraordinar paines and travell tane be himselff, brocht that barbarous custume in dissuetude, sua that in vary few pairtis of the cuntrie the beiring and weiring of the saidis hacquebuttis and pistolettis wes publict or avowed. And now, sen his Majesties removeing fra this cuntry, certane undewtifull persones, quha of thair awin nature hes ever bene inclynit to contempt and misregaird of the law, thinking now that owersycht and impunitie salbe schawin unto thame for quhatsumevir thair doingis, thay haive begune to renew thair said former barbarous custome of beiring of hacquebutis and pistolettis quhilk his Majestie had sua cairfullie aboleisced as said is, and publictlie and avowedlie rydis and gangis thairwith in all pairtis of the countrie at thair plesour, heichlie contempning and misregairding thairby the power and authoritie concredited be his Majestie to his Privie Counsall, and consequentlie dishonoring his Majesties selff. Quhilk dishonour and contempte tuiching his Majestie and his Counsall sua heichlie, thay haive resolved and avowed to puneisch the same with all rigour in all degreis and rankis of persones without exceptioun; and thairfoir ordeanis letters of publicatioun to be direct heirupone, commanding, chairging and inhibeiting all and sindrie his Majesties lieges and subjectis, of quhat estait, qualitie or conditioun soevir thay be off, that nane of thame presume nor tak upone hand to beir, weir or use the saidis hacquebuttis and pistolettis at ony tyme heirefter, under the paines contenit in the Actis maid thairanent, to be seveirly execute upone thame without favour. And siclyk to command and chairge all and sindrie shereffis, stewartis, proveistis and bailyeis within burghe, and utheris magistrattis quhatsumever, to tak and apprehend all sic persones within thair boundis and jurisdictioun as sall contravene the saidis Actis, and to committ thair
Fol. 324, b. persones to waird, and detene thame thairintill quhill ordour and directioun be gevin for thair puneischement as apperteineth, as thay will ansuer to his Majestie and his Counsall upone the dewtifull dischairge of thair offices. And, give the persones beireris of the saidis hacquebuttis and pistolettis be of that rank, power and calling that the said shereffis, stewartis and magistratis ar not able to tak and apprehend thame, that

thane immediatlie thay notifie thair names to his Majesties said Counsall, with a sufficient and competent noumer of honest and famous witnessis aganes thame, and furneis uther necessar probatioun to that effect, quhairthrow thay may be persewit, callit and conveinit, as accordis. And, give the saidis shereffis, stewartis and magistrattis forsaidis salbe remiss or negligente in the premissis, the saidis Lordis declairis and certefies thame that thay salbe callit, persewit and puneischit as give thay wer guiltie thameselffis of the beiring and weiring of the saidis hacquebuttis and pistolettis." Haddington MS. Excerpts.

Proclamation for assisting the Gairde [*i.e.*, for concurring with the new armed Guard in executing the orders of the Council].

"Forsamekill as, the Kingis Majestie having a speciall cair and regaird of the weill and quyetnes of his kingdome of Scotland, and that the rebellioun and insolenceis of sa greit a noumer of personis, quhilkis hes bene sa frequent and commone within the same, salbe now repraist, and that the directionis, commandementis, decreittis of his Majesties Privie Counsall and Sessioun sall ressaive effect and executioun in every poynt, his Majestie for this effect hes orderit ane companie of horsmen under wages to be leiveyed and intertenoit upone his Hienes awin charges, and to await upone his Privie Counsall, and to be in reddines at all occasiounis to be imployit and direct be thame as the occasioune of ony service salbe presentit: And seing the necessitie of thair imployment and service will vary oft fall out aganes persones of rank and calling, and utherwayis quhair the concurrance of the ordinar magistratis, noblemen and utheris his Hienes guid subjectis in the pairtis and cuntreis quhair the service fall out will be varie necessar and requiseit: Thairfoir the Lordis of Secreit Counsall ordeanis letters to be direct chairgeing all and sindrie shereffes, stewartis, bailyeis and utheris, and bailyeis within burghe, everie ane of thame within thair awin boundis, and all and sindrie noblemen, barronis, gentilmen and utheris his Majesties subjectis quhome it effeiris, to reise, concure, fortifie and assist his Majesteis said Gaird in the executione of all and quhatsumever directionis and commandimentis quhairin thay salbe imployit be the said Counsall, at sic tymes and sua oft as thay salbe requyrit and desyrit be the capitane, lieutennent or cornett or ony uther of the said Gaird, as thay and ilk ane of thame will answer to his Majestie and his Counsall upone thair dewtie and obedience, and to be censurit and puneischt in cais of thair refuisall at the arbitrement of the Counsall."

[Edinburgh], 22nd Sept. Fynned in 500 merks for straiking ane minister.

The Laird of Tullialloun, being accuisit to have strekin Mr. Henrie Forester, minister thair, in the kirk, upon the face, and granting that he strak him with his gluiffis upon the face, wes fynnit in fyve hundreth merkis to the Thesaurar, and ordanit to mak satisfaction to the minister.

Laird of Guthrie and Sir Walter Lindsay contrar presbiterie of Arbrothe: Decreit of the

"Anent our Soverane Lordis letters reassed at the instance of Alexander Guthrie of that Ilk, patrone of the college kirk of Guthrie and of the prebendarie of Hiltoune and Langlandis, and Sir Walter Lindsay of Balgayis, knycht, heretable proprietar of the landis of Hiltoune and Langlandis, and takisman of the teindschaives of the same, makand mentioun

Haddington MS. Excerpts.

that quhair, Patrik Guthrie of Pitmeweis haiveing some four yeiris syne or thairby purchest a pretendit tak of the teindis of the landis of Langlandis, quhilkis pertenit to the said Sir Walter be vertew of ane lawfull tak maid to him thairupone, authoreised be a decreit of the Lordis of our Counsall and Sessioun, he thairupone moved and intentit actioun aganes the said Sir Walter befoir the commissaris of Edinburgh for reductioun of his said tak: quhairin finding that he could not prevaill, and haveing resolved be all indirect and unlawfull meanis, under the pretext and cullour of a law, to hald the said Sir Walter in proces and cummer, he for this effect delt and travellit with the ministeris of the presbitrie of Arbroth to tak this mater upone thame and [? make] his particular a commoun caus of the Kirk, and in end he sa far prevaillit with thame that thay accordit to his unlawfull desyre, and gaive ane command and directioun, be ane ordinance of thair assemblie to Mr. David Lindsay, proveist of Guthrie and prebendar of the said prebendarie, to subscryve ane procuratrie and commissioune to for persewing ane reductioun of all the takis of the teindis of the landis of Hiltoune and Langlandis; as alsua, thay chairgit him to subscryve ane thrie yeir tak of the said Sir Walteris teindis of his landis of Langlandis to the said Patrik Guthrie of Pitmoweis; quhilk chairge seaming to the said David vary extraordinar, and being in a metter quhilk tuichit him in conscience, in respect he knew the said Sir Walteris tak cled with sa mony yeiris possessioun and authoreized be the consent of the patrone to stand in full force and effect, he not only dissassentit thairfra, bot with that appaillit fra thame and thair proceidingis to the Generall Assemblie. And, nochtwithstanding thairof, thay having still insistit aganes him, quhyllis by threatningis and sumytmes by craftie and allurance speiches, and knawlege thairof being gevin to the saidis complenaris, thay, in regaird of thair enteres, meanit thame to his Majestie and Lordis of his Secreit Counsall, and obtenit letters be delyverance of the saidis Lordis for chairging of the moderatour and brethrane of the said presbitrie, as also the saidis Mr. David Lindsay and Patrik Guthrie of Pitmoweis, and Mr. David Ogilvie, for his enteres, to compeir befoir the saidis Lordis, to heir thame dischargit fra all forder proceiding in that matter, as the saidis letters, contening a dischairge to thame in the meantyme, at lenth beiris. Quhilkis letters being dewlie and lawfullie usit and execute aganes thame upon the xxv and xxvi dayis of August last be David Wilsone, messinger, and the saidis complenaris expecting that dew obedience to have bene gevin thairunto quhilk become dewtifull and obedient subjectis, especiallie personis of thair rank, quha aucht to preache and give example of obedience to utheris, notwithstanding, it is of treuth that, immediatlie efter the chairge gevin to thame, thay, in contempt and misregaird of his Majestie and his Hienes authoritie, renewit thair persuit aganes the said Mr. David Lindsay with greitter severitie nor at ony tyme preceiding, and, besydis the ordinar forme of thair chairgis and directing of Mr. Charles Wallace, ane of thair ordinar nowmer, to deall with the said Mr. David Lindasay in this matter, thay all convenit togidder upone the sext day of this instant,

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presbiterie of Arbroth declairit null, [as] gevin *spreto mandato Dominorum Secreti Concilii.*

and come to the said Mr. David Lindsayis hous, quhair he wes viseit with seiknes for the tyme, and, without regaird or respect of his seiknes and inhabilitie to travell, thay forcit and compellit him to gange with thame to the said Patrik Guthreis awin howse of Pitmowies, quhair, efter lang intratie and threatningis of deprivatioun, thay urgit him to subscryve a thrie yeir tak of the said Sir Walteris teindis to the said Patrik, with ane commissioun and procuratorie to persew for reductioun of his said tak, as said is. Quhairin as thay haive kythit and behavit thameselffis varie partiallie aganes the said Sir Walter, in compelling ane of thair brethrein aganis his said conscience to subscryve ane tak of his teindis over his heid, and thairby to furneis unto him ane new actioun and proces, and to give occasioun of new displesour and eleistis betuix the name of Lindasay and Ogilvy, quha wer leitlie reconciliat be the saidis Lordis, and all matteris debaittable betuix thame removeid; and in speciall the same particular of the said Sir Walteris teindis being removit be the travellis of the Lord of Spynie and the Maister of Ogilvy and Laird of Innerquhairrutour, conforme to ane contract past thairanent bering deat the xii day of Junii last;—sua with that thay haive committit a maist heich contempt aganes the saidis Lordis of Secreit Counsall, in presuming sa far to misknawlege that pouer and authoritie estableischit in thair persones to [? be] his Majestie, and thair honourable jurisdictioun, being the first and supreme of the haill land; quhairanent give his Majestie and the saidis Lordis tak na sic guid and substantious ordour as this proud contempt may be examplerlie puneist, private personis, quha upone thair example directis the haill course of thair procedingis, wilbe uncuragit to committ the lyk. And anent the chairge gevin to Mr. Johne Rige, moderatour, and Mr. Johne Spaulding, clerk, of the presbiterie of Aberbrothok, Mr. Henrie Philpe, minister at Arbroith, in quhais handis the tak and procuratorie abonwritten wes consignit, Patrik Guthrie of Pitmouis, Mr. David Ogilvy, and Mr. Charles Welwod, commissioner forsaid, to have compeirit personallie befoir the Lordis of Secreit Counsall this day, viz., the xxii day of September instant, bringand and produceand with thame the haill proces led and deducit be thame aganes the said Mr. David Lindsay, to haive bene [sene] and considderit be the saidis Lordis, and to haive hard and sene it fundin and declarit that thay haive proceidit thairin in contempt of his Majestie and the saidis Lordis efter the dischairge gevin in the contrair, and forder to haive ansuerit upon the said proud contempt and indignitie done be thame to his Majestie and the saidis Lordis in thair wilfull proceiding in the matter forsaid efter that thay wer lawfullie dischairgit, as said is, and to have underlyne sic ordour and puneischment as his Majestie and the saidis Lordis sould injoyne to thame, under the paine of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyeit letters sould be direct simpliciter to put thame thairto, etc., lyk as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof. Quhilkis being callit, and the said Sir Walter Lindasay com-

Haddington MS. Excerpts.

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Haddington MS. Excerpts.

peirand personallie, for himselff and in name of the said Alexander Guthrie of that Ilk, and the foirsaidis haill defendaris being lykwayes personalie present, the said Mr. Johne Spaulding, for satisfeing of the chairge forsaid, producit befoir the saidis Lordis the proces abonewrittin led and deducit in the matter forsaid, and protestit that the said productione sould be nawayis prejudiciall to the liberties and privelegis of the Kirk. Quhilk protestatioun the saidis Lordis admittit. The rychtis, ressonis and allegatiounis of baith the saidis pairteis, togidder with the proces foirsaid producit be the said Mr. Johne Spaulding, being red, hard, sene and considerit be the saidis Lordis, and thay ryplie avysit thairwith, the Lordis of Secreit Counsall findis and declairis that the saidis defendaris hes wrangouslie and unlawfullie proceidit in the proces foirsaid efter that thay wer ordourlie and lawfullie dischairgit thairfra in maner abonwritten, in heich contempt and misregaird of the saidis Lordis; and thairfore thay decerne and ordeane all thair saidis procedingis, in the proces forsaid, sene the dischairge abonewrittin, to be null and to have na effect nor executione in tyme cuming, becaus the said persewar, for instructione of his said complante, producit befoir the saidis Lordis our Soverane Lordis letters past be delyverance of the saidis Lordis of Secreit Counsall, bering deat the xxvii day of August last, be the quhilkis letters the saidis defendaris and remanent ministeris of the presbitrie of Arbroith wer, upone the xxv and xxvi dayis of the said moneth of August, dischairgit be David Wilsone, messinger, of all proceding or melling in the matter forsaid quhill tryall and cognitioun had bene tane thairin be the saidis Lordis, and the proces forsaid producit be the said Mr. Johne Spaulding beiris expreslie that the saidis ministeris procedit in that same matter upon the said xxvi day of August and divers dayis thairefter, and sua efter thay wer dischairgit in maner abonwritten, as wes cleirlie understand to the saidis Lordis. For the quhilk caus the saidis Lordis hes decernit and decernis in maner forsaid."

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Agnes Kincaid compleanand that, Alexander Someruell having tane tak of the milne of Gogar fra hir, and haiving gevin hir ane bakband not to troubill hir in the uplifting the dewtie of the said milne, he thairefter persuadit hir to let him sie the bakband, and aganis his aith and promeis raive and distroyit it: the pairties compeirand, the Lords ordanis Alexander Someruell to rander and delyver to the compleaner ane sufficient bakband.

Agnes Kincaid contrar Alexander Somervell: Bakband distroyed ordaned to be redelyvered.

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"The quhilk day the missive and warrand underwrittin direct frome his Majestie to the Lordis of Secreit Counsall anent the fynning of persones committaris off ryotes, oppressionis and utheris insolences, being presentit to the saidis Lordis of Secreit Counsall, and being red, hard and considerit be thame, and thay being thairwith weill advyssit, the saidis Lordis findis it varie meit and expedient for the weill and quyetnes of the cuntrie, restraning the misreull of the undewtifull subjectis, and for conserving of his Majesties peace, that the contentis and effect of the said missive be followit out be thame in all tyme cuming; and thairfore the saidis Lordis

[Edinburgh], 3rd November. Act anent the fynning of personis [*i.e.* Registration of a letter of his Majesty empowering the Council to make more use of pecuniary fines for punishing

offences against the peace]. hes ordenit and ordenis the said missive to be insert and registrat in the Buikis of Secreit Counsall, to haive the strenth of ane Act of Counsall, and to be observit, keipit and fulfillit be thame in tyme cuming: off the quhilk tennour followis.—Followis the missive:—Richt trustie and weilbelovit cousinge and counsallouris, we greit yow weill:—Quhairas heirtofoir thair hes nathing procurrit mair the quyetnes and peaceable estait of our countreis then the executioune of our penall lawis and statutis, sa, be our awin experience at our stay in thais pairtis, we fullie understand that the fynning of the unrewlie and irregular persones quhais actioune and offenssis wer nawayis capitall wes ane of the best and fittest meanis for conserving of our peace. And, becaus ye haive bene sence our departour sumquhat remis in this poynt, pretending perhappis the inlaik of sufficient warrand to do the same be our commissioun alreddie grantit unto yow, we ar thairfoir heirby speciallie to will and requyre yow that heirefter, as matter of complent salbe brocht in befoir yow of ony royet, oppressioun, convocatioun of our liegis without licence, or ony sic uther offence appertening properlie to your judicatorie, ye sall impone upone the pairtie guiltie and tryed culpable of that quhilk he is accused of sic sowmes of money as to yow sall seame maist meit, according to the offendaris cryme, ansuering to his rank, conditioun and guidis, in that dew proportioun that not onlie the pairtie thane presentlie fynite, bot utheris be his examplare puneischment, may be moved to contene thameselffis thairefter within the boundis of dewty and modestie, and abstene fra all unrewlie formes of doing. And our will is that thir presentis be insert and registrat in your Buikis of Privie Counsall, to remaine with yow for a sufficient warrand for this effect; and sua committis yow to God. Winchester, ellevinth of October 1603." Haddington MS. Excerpts.

Maisters of Glammis, Gray, and Ogilbe. Proclamation for ingeving of hornings aganis the Maister of Glammis, Maister of Ogilbie, and Maister of Gray. Fol. 326, a.

Flesche upon forbidden dayes. Proclamatioun aganis eating of flesche.

Gairde to tak horners. Warrand to the gairde for apprehending of rebellis.

Slauchter of reid fische. Proclamation aganis the slauchter of reid fische.

[Edinburgh], 24th Nov.[1] Act aganis hornaris: for taking thameselfis and thair howssis and melling with thair guddis [and for employing the new armed Guard in such service]. "Quhairas the oversycht and omissioune to tak ordour with rebellious and dissobedient persones hes bred in the persones of the rebellis ane contempt of his Majestie and ane misregaird of his lawis and officiaris, quhairby thay have incressit in vary greit nowmeris, without respect of ony perrell or danger that may follow upone thair dissobediance: And forasmekill as his Majestie, for the forder estableisching of the authoritie of

[1] The trials of those accused of concern in the Cobham-Raleigh Conspiracy (*ante*, p.579–81, and footnote) had been going on at Winchester, and were concluded about this time. Only one of the accused was acquitted,—Sir Edward Parham; all the others were found guilty, and sentenced to death. Three of these,—viz., George Brook (brother of Lord Cobham), and the two priests, Watson and Clark,—were executed; the others,—viz., Lord Cobham, Lord Grey, Sir Walter Raleigh, Sir Griffith Markham, Bartholomew Brookesby, and Anthony Copley,—were reprieved at the last moment, and sent back to prison. Raleigh remained a prisoner in the Tower for the next twelve years.

Haddington MS. Excerpts.

governament quhilk his Hienes had committit to the Lordis of Privie Counsall, appointit thame ane gariesone of horsmen reddie at all tymes to attend and wait upone the saidis Lordis directiounes and prosequete onything quhilk wer directit to thame, ather for his Majesties service and obedience or the peace and quyetnes of the estaite: Thairfoir the saidis Lordis, upone speciall notice gevin to thame of the greit noumer of dissobedient rebellis and horneris in all the schyres and pairtis of this realme, hes speciallie appointit and ordenit the Thesaurer to direct ane depute with commissioune frome him to the head burghe of everie schyre within this realme, and thair to mak publict proclamatioun at the croces of the said heid burghe, and utherwayes to mak particular intimatioune aither personallie or at the duelling place of everie rebell and horner standing unrelaxt within these boundis, willing thame to compeir befoir the said commissioner depute, and thair aither produce guid and sufficient relaxationis frome the horningis quhairat thay ar presentlie lyand, or than find guid and sufficient cautioneris that thay sall purches and obtene thameselffis relaxt betuix and sic a day, and under sic a pane as be the said commissioner salbe appointit; certifieing and assuiring all sic persones, rebellis and at the horne, quha sall not compeir within sex dayis efter the said publict proclamatioune and particular intimatioune to be maid to thame, as said is, befoir the said commissioner for purging of thair rebellioun, ather be productioune of relaxatioune or finding of cautioune, that a nowmer of the said garisone salbe appointit alsweill to tak and apprehend thair personis and put thame in suire firmance and captivitie as to mak speciall intromissioun with thair haill guidis and geir, appertening to his Majestie as escheat and to be maid furthcumand to his Hienes behuife, and to tak thair houssis, remove thair wyffis, bairnes and fameleis furth thairof, and to keip the same upone the reddiest of thair rentis and levingis during the tyme of thair rebellioun. And, for that effect, that the commissioner directit fra his Hienes said Thesaurer depute may be the better authorissid and assistit in his commissioun, the saidis Lordis hes gevin ane expres command and directioun to Sir David Murray of Gospartie, knycht, his Majesties comptroller and capitane of his Hienes Gaird, to send and direct with the said commissioner to be send furth be his Hienes thesaurar depute sic nowmeris of his garisone as salbe requyrit for the furtherance of that service, and to sic places and heid borrowis of the schyris as the said capitane, be the said thesaurar depute his letter, salbe acquentit with. And it is thocht meit and expedient that the said course salbe first begune and prosequet in the burghe of Dumfreis for ordour-taking with thir rebellis in the west wardanrie; and thair is ordenit publict proclamatioun to be maid of the premissis, certifieng and assuiring all persones quha salbe fund to contempe, vilepend and misregaird the chairge to be maid to thame, that not only sall thair persones, without respect of thair rank and qualitie, be seissit upone, bot thair guidis and geir, without regaird and commiseratioun of thair estait, salbe haillalie upliftit and intromettit with, thair

houssis salbe takin and keipit and detenit, as said is, upone the reddiest of thair rentis and leving during the tyme of thair rebellioun, to the example of utheris to carie sic a nochtie regaird and dewtie to his Majesties obedience and lawes; chairgeing heirby all and sindrie his Hienes shereffis and thair deputtis, and the proveist and bailyeis of the heid borrowis of his Hienes shereffdomes, to concur and assist the said commissioner and garisone in all thingis tending to the dew executioun of this present proclamatioun, and speciallie in taking of the saidis rebellis and thair houssis and uplifting of thair guidis and geir in maner forsaid, as thay will ansuer to his Majestie upone thair obedience." Haddington MS. Excerpts.

5th Jan. 1604. Samuell Blaikburne contrar Laird of Curriehill; Curriehill ordaned to be taine be the Gairde, but not his howse, becaus it perteanis to the donatour of his lyfrent.

"Anent our Soverane Lordis letters raisit at the instance of Samuell Blaikburne, merchand, burges of Edinburgh, makand mentioun that quhair, upoun the xxiiii day of Februar last bipast, William Wardlaw of Curriehill wes ordourlie denuncit rebell and put to the horne be vertew of letters raisit at the said compleneris instance for not peyment-making to him of the soume of thrie hundreth and xxx crounes of the sone, or ellis the sowme of fyve merkis six schillingis viii d. money [? for ilk crowne thairof], as principall, togidder with the sowme of ten pundis as for expenssis and xl s. payit to the Lordis collectour, and that as assignee lawfullie constitut thairto be Gassiot Peroynan, Frenchman, as the saidis letters of horning, deulie execut, indorsit and registrat, schawin to the Lordis of Secreit Counsall, beires; at the proces quhairof the said William remanes as yit unrelaxit, takand na regaird of the said horning, bot hantis, frequentis and repaires publictlie and avowedlie in all partis of the cuntrie at his plesour, as gif he wer his Majesteis frie subject, to the heiche and proud contempt of his Majesteis authoritie and lawis. And anent the chairge gevin to the said William Wardlaw of Curriehill to haive compeirit personalie befoir the Lordis of Secreit Counsall this present day, viz. the fyft day of Januar instant, to haive ansuerit upone his proud and contemptuous rebellioun and dissobedience, and to haive underlyne sik ordour and punneisment for the same as the saidis Lordis sould think maist expedient, with certificatioun to him and he failyeit command sould be gevin to the capitane of his Majesteis Gaird to pas, searche, seik and tak the said Williame, and to bring, present and exhibite him befoir the saidis Lordis, to the effect foirsaid,—as alsua to tak his houssis, remove his wyff, bairnes and servandis furth thairof, and to mak inventar of his guidis and geir being thairintill, and to report the same inventar to his Majesteis thesaurar and his deputtis, to the effect the same guidis [and] geir may be maid furthcumand to his Majestie as accordis,—lyk as at mair lenth is contenit in the saidis letters, executiounis and indorsatiounis thairof. Quhilkis being callit, and the said persewar compeirand personallie, and the said defendar being oftymes callit and not compeirand, and William Sommervell, servitor to Mr. Johne Skene, clerk of register, compeirand also personallie, and being admittit for his entres, quha allegeit that na warrand nor directioun sould be gevin for taking of the said William Wardlawis houssis nor for Fol. 326, b

Haddington MS. Excerpts.

making inventar of his guidis or geir, becaus the gift of the said William his escheit and lyfrent wes disponit to him be our Soverane Lord for himself as fader, lawfull administratour, tutour, gydar and governour to his dearest sone the Prince, as in the gift maid to him thairupoun, bearing dait at Halirudhous the xix day of Marche j^{m} vi^{c} and thrie yeiris, beiris: quhairupoun he hes obtenit ane declaratour befoir the Lordis of Counsall and Sessioun, as the same of the dait the sevint day of Julii last beiris:—quhilk he instantlie verifeit be productioun befoir the saidis Lordis of the said gift of escheit and lyfrent and of the declaratour foirsaid following thairupoun. Quhilk allegeance, with divers utheris the ressonis and allegationis of the pairteis present, being hard and considerit be the saidis Lordis, and thay ryplie advysit thairwith, the Lordis of Secreit Counsall, in respect of the gift of escheit and lyfrent foirsaid and declaratour fallowing thairupoun, findis that na executioun sould pas for taking of the said William his houssis, or inventuring of his guidis, bot only for taking of his awin persone, and thairfoir thay command and ordanis the Capitane of his Majesteis gaird to pas forthe, seik and tak the said William Wardlaw of Currihill, quhairever he may be apprehendit, and to bring, present and enter him befoir the saidis Lordis, to be tane ordour with for his rebellioun and dissobedience as apperteynith, as the said Capitane of the Gaird will answer to his Majestie and the saidis Lordis upoun the dewtifull executioun of his office."

Clause to be insert be wrytaris in all writs that sould pas the Secretars register.

"Forsamekill as, albeit be speciall act and ordenance maid in the Parlement, etc. : for remeid quhairof, and for the better securitie of the liegis thairanent, sa that thay be not wraikit altogidder be not registrating of the saidis writtis, conforme to the said Act of Parliament, be the neglegence, contempt, ignorance or abuse of the writtaris thairof and nottaris thairto, it is statute and ordanit that in all tyme cuming all and quhatsumever clerkis, als weill within the regaliteis as ryalteis, and als all laweris, writteris, nottaris, and utheris formereris of evidentis and writtis within this realme, quha sal happin to wrytt, be thameselffis or thair servandis, ony instrumentis of seasingis, reversionis, regresses, bandis or promeissis for geving of reversionis or regressis, dischairgeis of reversionis, assignationis and reversonis, intimationis of the same, denunciationis of wodsettis, and grantis of redemptioun, sall speciallie incert at the end of ilk ane of the saidis writtis this claus,—'ordaning the same writtis to be registrat within fourtie dayis, conforme to the Act of Parliament',—with certificatioun to thame and thay or ony of thair servandis, writter thairof, failyie thairin, thay sall, *ipso facto*, tyne and amitt thair officeis, functioun and calling quhatsumever, without ony forder tryell be tane bot upoun inspectioun of the writtis foirsaidis quhilkis sal happin to be writtin be thame or thair saidis servandis wanting the foirsaid claus,—'ordanis the same to be registrat within fourtie dayis, conforme to the Act of Parliament'; as lykwayis thay salbe halding to refound and pay to the awneris of the saidis writtis all costis,

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skaithis, damnage and enteres that thay sal happin to sustene throw not

registrating of the same writtis in dew tyme, conforme to the said Act of Parliament, in cais the same writtis sal happin to want the claus and ordinance foirsaid speciallie insert thairin ordaning the same to be insert within fourtie dayis, conforme to the Act of Parliament: and ordanis letters of publicatioun to be direct heirupoun in forme as effeiris." Haddington MS. Excerpts.

Act anent deidlie feidis [reciting his Majesty's past exertions for the suppression of such, questioning the propriety of the measures hitherto adopted, and ordaining new methods].

"Forsamekle as it is maist notour that the Kingis most gratious Majestie, ever since his first cuming to yeiris of perfectioun, hes caryit ane maist ernest and ardent zaill and desyer to have removit frome amange his subjectis of the cuntrey of Scotland all sic cuustomis, faschiouns and behaviouris as did in ony wayis smell of barbaritie and sevegnes, and to have reducit thair haill cariage and behaviour to that comeliness and decencie that is requirit in a civill and weill governit pepill: amangis the quhilkis enormities as nane wes mair barbarous and detestable than the usuall consuetud of deidlie feidis, swa, his Majestie persaveyng how far the use of that wicked custome within that his countrey brocht with it the reproch of the haill natioun, he maist justlie wes moveit to abhore and detaist the same and to tak resolutioun for the utter abolisching and extinguisching of sic a develische forme, that with the removing of vyce the distance that wes caryit to the cuntrey and pepill be uther natiounis upoun the respect thairof might cease: quhilk mater as his Majestie persavit to be altogeder difficile, yea maist imposibill at the first and at ane suddany to effectuat, sua his Hienes spairit na paines nor travell in his Hienes awin royall persone to compas that his Hienes maist godlie intentioun. For, first, his Majestie maid ane expres prohibitioun and dischairge of beiring and weiring of pistolettis, gunis and uther fyer warkis, as the meines not only of the begyning bot also of the continewing of the saidis deidlie feidis; quhairin [? that] his Hienes wes cairfull to have these actis keipit and the transgressouris thairof seveirlie punischet, the present experience of the dishanting of the same as [? is] ane sufficient testimony: and, thairefter, in ane Generall Conventioun of the Estaitis of that his Hienes realme, certane articles pennit be his Majesteis awin selff for removing of the saidis feidis being consentit and accordit unto, the same wes thairefter past and allowit for ane publict law in the nixt Parliament thairefter, and ther his Hienes, without regaird of the greit and intollerable toyle and paines that wes requirit in putting of the said law in precteize, in his awin maist sacreid persone wes ever busyed and occupyed in removeing of the saidis feidis, sa that, be his Majesteis maist happie and blissed labour, not only commoun feidis betuix parteis of the meanner sort wer takin away, bot the rancour and malice amangis sum of the subjectis of the best rank, being supponit irreconciliable, was utterlie removit, and thair restit verie few to have bene tane ordour with at his Majesteis depairtour frome his countrey of Scotland. And now, his Majestie willing his guid resolutioun anent the remove of the saidis feidis to be continewit and prosequute, hes thairfoir thocht meit that the Lordis of his Hienes Privie Counsall in Scotland, efter ane note to be takin be thame of the haill feidis at the

Haddington MS. Excerpts.

present within the said countrey, sall caus the pairteis [appear] befoir thame at sic speciall tymes and dyettis as thay sall think expedient betuix and the day of nix to cum, and, in the removeing and awaytaking of the saidis feidis and querrellis that hes befoir this tyme fallin furth, use the haill ordour alreddy prescryvit and sett doun in that his Hienes Act of Parliement. And, becaus of the saidis deidlie feidis his Majesteis awin experience movis him to consider that the taking of assuranceis betuix parteis hes bene rather ane fosterar nor removear of the same, the verie subscriptioun of ane assurance importing ane grant and confessioun of ane feid and querrell, quhilk as in respect thairof aucht not be the Prince to be demandit, sa the granting of it in the persone of ane subject bringis with it ane privat presumptioun derogating to that his Majesteis soveranitie, and protectioun he vouchaifis upoun his subjectis and leigis, as gif the law did [not] astrict ony man to keip his Majesteis peice, bot the respect and regaird of thair awin particular band of assurance sould move thame thairto, and as gif, at the ische and expyring thairof, full libertie and licence wer grantit unto thame without controlment or reprove to do quhat thay list: Thairfoir, quhairever ony occasioun of feid or querrell sall fall furth at ony tyme heirefter amangis ony of his Hienes subjectis, the pairtie grevit, or to quhome the mater of complent is offerit, salbe chairgit befoir the Lordis of his Hienes Privie Counsall, and, efter that inquirie be maid at thame upoun quhome thay have mater of complaint or towardis quhome thai beir grudge, that thai be admoneist and commandit to keip thameselffis frome taking revenge at thair awin handis and to be bund to the peax and sourtie-taking that thay sall persew these upoun quhome thay compleine be law and no utherwayis, and thay to be fullie assurit that the law salbe maid patent unto thame aganis sic as ar giltie, without respect or exceptioun of ony persone of quhatsumever rank and qualitie. Lyk as it is his Majesteis will and resolutioun to clois his Hienes handis fra granting of ony remissioun, respet or pardone, to ony offendar, bot that the law salbe dewlie ministrat upoun everie trespassour according to his demerit. And, in lyk maner, the pairtie complenar, or ellis the kin and freindis of that partie that hes ressavit the herme sal, be the said Counsall, be inquyrit quhidder thay beir ony querrell, grudge or inimitie againes the kin, freindis or surname of the offendour being innocent and saikles of the deid committit: quhairin haveing bene [? deiplie sworne] be thair greit aith, declairing that thai beir nane at all, bot allanerlie againes the personis of the offendouris, then sall thay be bund to the peax as said is, and souertie taking of thame that thai sall [? not] onywayis, directlie or indirectlie, persew the saidis pairteis quhome thai nawayis challenge as giltie; bot, gif the pairtie complenar, or the kin and freindis of the pairtie harnet, being callit befoir the Counsall and demandit upoun thair intentioun and dispositioun, alsweill tawardis the pairtie quhome thay challenge to be actour and committar of the deid, as againes his kin, freindis and surname, do not fullie and sufficientlie satisfie the said Counsall bot that thair may appeir sume presumptioun

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that ane brek of the peace may eschew upoun thair pairtis, and that thair is ane appeirance of intentioun in thame ather to persew the defendaris utherwayis nor be the law, or then to beir grudge and inimitie againes thair kin, freindis and surname, being innocent, and quhome thay challenge not as actouris and doeris of the deid, that then thay salbe committit in suir waird, and thair keipit and detenit, and nawayis relevit quhill as weill his Majesteis peice be sufficientlie provydit for as thay thameselffis be fynit under greit and huge sowmes, for carying of such ane bad and unlawfull intentioun as, at ather of thair awin handis, thay wald presume to tak amendis of the offendaris and not suffer the dew executioun of the law to stryk againes thame, and in that doing bereif the Prince and his majestratis of thair dew prerogative, or that then thay wald cary ane nauchtie grudge and inimitie againes the innocent,—ane forme maist baistlie and detaistable, and incredible to be in the persone of ane ressonable man." Haddington MS. Excerpts.

Hampton Court, 12th January 1604. [Letter from the King to the Lords of the Privy Council, ordering them to convene a Scottish Parliament to treat of that subject of a Union between England and Scotland which is to be discussed in the approaching English Parliament. Preliminaries for the Parliament: Lord President Fyvie appointed Vice-Chancellor, to represent his Majesty in Parliament in the event of the absence of the Chancellor].

"Right trustie and weilbelovit Cosinis and Counsellouris, we grete you hairtelie wele: Whairas it hes now pleasit the gratious goodnes of our [God] to settle us in peaceable and free possessioun of our right to the inheritance of this Crowne, preordinat be his goode providence to fall to us in his dew tyme be blude and lineall discent, and that, nixt to the solempnitie and ordour of our coronatioun, it hes bene alwayes oure intent, according to the custome of this land, to convocat oure Three Esteatis in Parliament, boith for establisheing of oure successioun to this imperiall kingdome, and for accomplisheing of sindrie otheris wechtiest affairis necessair for our estate and necessair at the inauguratioun of Princeis heir,—whilk nochttheles, be the prevailing of this infective Plague within oure citie of Lundone and the dispersing thairof through a greate parte of this realme, we haif bene forceit to intermitt, till now that it hes pleasit God to quenche it in his mercy, and be removing of that latt to oppin to us agane the oportunitie to prosequute our first intent sa sone as possibillie we can: And, for that oure equall ryght to boith the Crownes mon neidis affect us with as equall cair to boith thair weillis, and that, being now joyned togidder under ane head, as thay haif bene of lang tyme past in ane religioun, ane language, and ane commoun habitatioun in ane Ile disjonit fra the great Continent of the world, oure princelie cair mon be extendit to sie thame joyne and coalesce togidder in a sinceir and perfyte unioun, and, as two twynis bred in ane bellie, love ane another as no moir twa bot ane estate, we haif to this effect affixt a Parliament within this realme to convene about the twentie day of Marche nixt. Whilk for that it sittis usuallie a moneth at the least, we think it meitest and will desire yow most effectuuslie to lett preceptis be directit in our name for convening of a Parliament thair about the tent day of Aprile thairefter: quhairin it is our expres will that thair be nothing motioned nor treated saulfing the mater of [a] Unioun allanerlie. Quhairof the generall mon be first mov[it] and putt through: to the whilk we can not wele beleve that Royal Letters, 1604-1612. Page 1.

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[? any] estate or subject of that land can with reasoun refuse his [? consent], respecting quhat greatnes it importis to our estate, quhat [fame] and reputatioun to our name to haif it affected in oure [? time],

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and quhat greate benefeit and perpetuall peace and tranquillitie it mon neidis carie with it to oure haill kingdomes and dominionis. And nixt unto the voting of the generall mon follow the chusing of oure Commissionaris for treating and capitulating upoun the headis of the said Unioun, with pouer onlie to reporte to the nixt Parliamentis. Quhilkis Commissionaris, for that thay mon be mett with equall nomber frome this Parliament, quhair thay mon be first chosin be reasoun of the prioritie of thair convening, thairfoir, sa sone as thay ar nominat, you may expect thair names and styllis to be send to you befoir the day of your convening, that you matche thame for your parte with personis of lyke qualitie and rank. Whome we desire to be directit to come heir to us, for keiping of thair meitingis in our presence, and consulting with our advise in suche difficulteis and doubtis as may occur during that treaty, disposit to attend upoun that eirand till suche headis be aggreit upoun be oure advise as, being putt in forme, may be presentit as worthie groundis to boith the Parliamentis. And, for that, boith the Parliamentis being affixed to ane tyme, it is not possible to us to honnour thame both with oure personall and royall presence, and that we ar informed that, both be practise in our darrest moderis tyme of worthy memorie and be the use and consuetude of other cristeane kingdomes, the Princes absence at sic tymes hes evir bene suppleit be thair commissioun to some speciall nobleman for representing of thair place and persone induring that solempnitie, and having in our choise preferrit you oure Chancellair to that effect, as we haif ordainit you oure President to represent oure Chancellor during the tyme of our said Parliament, we mon desire you thairfoir to be cairfull to seeke out the ancient recordis of formar Parliamentis, and, according to the practize you find to haif bene used in the lyke, forme your commissioun with warrandis and instructionis necessair for suche ane eirand, and send thame heir to be exped and directit bak to you in tyme for the authorising of quhatsomevir salbe accordit to and voted in that Parliament be this point of the Unioun. Our fame and reputatioun throuch the world, oure honnour to be the workair of it in our tyme, and the unspeakable benefeit that mon redound thairof to this haill Ile, gois so deiplie in oure consait as in the greatest subject we can putt in our handis, and quhairin our

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expectatioun is you will extend your greatest cair to do us most memorable and worthie service. Sua, to your nixt occasioun, we committ you to God. Frome our honnour of Hamptoun Court this xii of Januair 1604."[1]

[1] The dating of this letter from Hampton Court connects it with an event of no less consequence in English History than the celebrated Hampton Court Conference, in King James's presence, between a number of the English Bishops and others of the hierarchical clergy, on the one hand, and some representative Puritan divines on the other, for the purpose of arguing out the differences between the two parties in the Church of England, and enabling the King to decide whether and how far he would concede the demands for toleration and Church reform made by the English Puritan

19th January. Wedderburne ordaned to be payed and to be preferred to all creditours nixt the Comptrollers self.

Be warrand from his Majestie to the Secret Counsall thay, having sichtit the Laird of Wedderburnes comptis, and fund him superexpendit in tuentie sex thousand thrie hundreth threttie pundis xvii s. 4d., and the interest thairof to extend to nyne thousand pundis, thairfore ordanis his said principall sowme to be payed nixt efter the present Comptrollaris superexpensis, and ordanis the Comptroller to mak him assignatioun for the same, and that horning be direct upoun ane chairge of ten dayes; and reservis the payment of the interest and damnage sustenit be him in default of tymous relief to his Majesteis consideratioun. Haddington MS. Excerpts. Fol. 327, b.

Marquus Huntlie ordaned to tak Jesuitis.

The Marqueis of Huntlie chairgit to tak and exhibit Mr. Lues Gordoun, Mr. Johne Hamiltoun, and certane uthers, Jesuitis, preistis and excommunicat papistis, that makis thair residence within the sherifdome of Aberdene, bring, present and enter thame before the Counsall, to be keipit in sure custodie whill the opportunitie of wind and wedder serve for thair transporting furth of the realme.

31st January. The custumes declairit vacand in his Majesties handis.

"Anent the supplicatioun presentit to the Lordis of Secreit Counsall be certane burgessis and inhabitantis within the burghe of Edinburgh, makand mentioun that, quhairas thay understand the setting of the customes and impoist of the wynes is not endit nor concludit for this present yeir, upone the report quhairof thay ar moved upone dewtie to thair Prince and Soverane, unto quhome thay wald give the dew valour of that quhilk unto his Majestie properlie belongis and appertenis, and nocht to defraud him unjustlie be taking of ony tak or conditioun of the saidis customes with impairing the rentis of the same; quhairin give it be certifiet to the saidis suplicantis that the saidis Lordis, upone respect of this thair godlie and honest motioun, ar myndit to give thame audiance, then thay will compeir aganes the nixt Counsall day and mak speciall offer of ane greitter dewtie then evir heirtofoir hes bene offerit for the saidis customes and impoistis, with sic conditioun of souertie for payment of the said dewtie as sall sufficientlie content the saidis Lordis:—humlie desyring thairfoir that thay mycht understand quhidder thair overtour salbe hard or nocht;—lyk as at mair lenth is contenit in the said supplicatioun. Quhilk being red in presens of the said Lordis upone the xxvi day of Januar instant, the saidis Lordis ordeanit the Comptrollar, the takismen of the customes, and the marcheantis ingevearis of this supplicatioun, to be wairnit to compeir befoir thame this present day, and the saidis takismen Fol. 328, a.

clergy in their famous *Millenary Petition*, recently presented to him. The Conference was held on the 14th, 16th and 18th of January, the King directing it and taking the chief part in it, with the result that the Puritans were abashed and disappointed, and it became distinctly known that the King's Church policy would be in favour of the strict episcopal or hierarchical system. From the sympathy between Scottish Presbyterianism and English Puritanism, there had been much interest in the issue throughout Scotland; and accounts of the Hampton Court Conference fill a considerable space both in Spotswood's *History* and in Calderwood's. Spotswood's account (pp. 478–479) represents the feelings of the growing Episcopal party in Scotland towards the discomfited English Puritans; Calderwood's (vi. 241–246) represents the feelings of the Scottish Presbyterians on the same occasion.

Haddington MS. Excerpts.

to produce with thame thair tak of the said customes, to be seine and considderit, and to heir and sie ordour tane annent that matter as apperteanis, with certificatioun to thame and thay failyeit that the saidis Lordis wald declair that the Comptrollar, with avyse of the Counsall, mycht sett a new tak of the saidis customes for his Majesties best proffeitt, and that he sould be ordenit to do the same,—lyk as at mair lenth is contennit in the said supplicatioune and in the delyverance and ordenance forsaid gevin upon the bak thairof. According to the quhilk, Sir David Murray of Gospartie, knycht, comptrollar, Robert Arnot, James Nisbit, Isaace Moreisone, Mr. Jerhome Lindsay, and George Smailhome, customeris, as alsua Micheall Fleabairne, Roger Donecansoun, and Williame Patersone, marcheantis, ingevearis of the said supplicatioun, being all wairnit be the maser of Counsall, and thay compeirand personallie befoir the saidis Lordis, it wes allegit be the saidis supplicantis that the customes wer vacand in his Majesties handis, in respect the saidis takismene had solempnelie renuncit and gevin over the same customes, takis and rycht thairof to the said Comptrollar in presence of a nottar and certane famous witnessis in dew and lawfull tyme afoir the Feist and terme of Mertimes last, and that continewallie sene the said Feist and terme of Martimes last the Comptrollar had intromettit with the saidis customes be himselff and his deputis in his name, and that the haill chairges usit for payment of the saidis customes wer useit in the Comptrollaris awin name and not in name of the saidis takismen; and sua, seing the saidis supplicantis wer willing to augment his Majesties proffeit for the saidis customes, thay desyrit that a tak thairof be sett to thame. Quhairunto it wes replyit be the saidis takismen that, albeit thay had gevin over the saidis customes, yit the said overgeving wes not acceptit be the said Comptrollar nor be the Counsall, bot that thay continewallie sensyne had continewit in possessione of the saidis customes, and had advancit thrie monethis pay sen the Feist of Mertimes last, be the quhilk advancement the said Comptrollar acknawlegit thair tak to be guid and effectuall. And forder it wes ansuerit and replyit be thame that thair wes na declaratour gevin upone the unvaliditie of thair tak, and that the Lordis of Counsall and Sessioun wer only juges competent thairto. With the quhilk allegance and answer maid thairto, with dyvers utheris the ressonis and allegatiounis of bayth the pairteis, the saidis Lordis being weill and ryplie advyssit, the Lordis of Secreit Counsall, in respect of the renunciatioun and overgeving foirsaid of the saidis customes maid be the said takismen as said is, findis and declairis that the same customes wer vacand in his Majesties and Counsallis handis, for onything that is yit sene, fra the first day of November last inclusive, and that the said Comptrollar, with avyse of the Counsall, may sett a new tak of the saidis customes to his Hienes best proffeitt and commoditie, unaquenting his Majestie thairwith."

[The following heads or titles of Acts and Decrees are taken from the "Minut Book of Processis befor the Lords of Secreit Counsell," where January 1604.

they are entered collectively under date January 1604, but have no more particular date prefixed to any of them. This section, however, probably comprehends February and March, the next heading being April]. Minute Book of Processes, 1604–31. Fol. 1, a.

Ryott: Kathrin Scott against Johnne Walles.

Letteris of rebellion: Samuel Blackborne against William Wardlaw [see *ante*, p. 592].

Suspensione: Robert Graham against Sir Mitchell Balfour.

Complaint: Comptroller against Johne Howie for importing forbidden goodis.

Letteris: James Johnstoun against Mathew Bailye, craving to be putt to liberty.

Oppressione: Johne Fairlie against Elizabet Dundass.

Protestatione: Umphrey Cuinyngham against Patrik Maxwell.

Precognitione against the Earles of Glencarne and Eglintoun.

Act ordaining all wrytters of sasines, reversiones, etc., to insert this clause in the end thairof, that parties pretend not ignorance in registrating the same,—'ordaining the same to be registrat within 40 dayes, conforme to the Act of Parliament,'—under the paine of deprivatioun [*ante*, p. 593].

Suspensione: William Rynd, etc., of a charge given them to subscryve a submissione with the Ogilvies.

Ryott: James Sandilandis against James Bailye.

Oppressione: Mongo Lindsey against Johne Sempill.

Rebellione: David Flesher against David Lindsey.

Act for resisting the invasione of the Clan Gregor.[1]

[1] This heading shows that, in January 1604, the Privy Council was still occupied with severe measures against the MacGregors in consequence of the conflict or slaughter in Glenfruin in Feb. 1603 (see *ante*, pp. 534 n., 558 n.). The heading, indeed, connects itself with no less tragical an incident in the history of the Clan Gregor than the hanging and quartering at the market-cross of Edinburgh, on the 20th of January 1604, of Alexander MacGregor of Glenstrae, the chief of the Clan, with eleven of his chief retainers. The story, of which there is a brief sketch in Sir Walter Scott's introduction to his *Rob Roy*, may be read more at large in Pitcairn's *Criminal Trials*, ii. 430–436, where there are extracts from the contemporary documents:—The unfortunate chief of the doomed Clan, it appears, had been in sore straits since the affair of Glenfruin, skulking about in his Highland region, and chased by all the authorities there, but especially by the Earl of Argyll, as the responsible lieutenant for the King in those parts, and charged with the rule of the MacGregors in particular. In October 1603 Macgregor had been actually taken by Campbell of Ardkinglas, as deputy for the Earl; but, having then escaped (in a romantic fashion, very like that in which Scott makes his descendant, Rob Roy, escape from his captors in the novel), he had remained at large till the beginning of the present month, when he had been induced to surrender to the Earl of Argyll himself. He had been induced to this, the contemporary accounts say, by various promises of indemnity for the past, one of them being that the Earl would see to his being set safely on English ground. This "Hieland-man's promise," the accounts go on to say, was kept to the letter, but not in spirit; for MacGregor, having been brought to Edinburgh by Argyll on the 10th of January, was immediately, by order of the Council, sent off, under the convoy of the new armed Guard of the Council, to Berwick, so that he might touch English ground, but was as immediately brought back again. He and four of his clansmen were tried for the Glenfruin slaughter by an assize at Edinburgh on the 20th of January, and were hanged the same day, with seven other MacGregors already in pledge,—Glenstrae himself being hanged his own height above the rest. His pathetic declaration before his death, throwing the whole blame of his own misdeeds and of the miseries of his clan on the Earl of Argyll, may be seen in Pitcairn as above.—Within the next six weeks a number more of the MacGregors were hanged in Edinburgh (see Pitcairn, ii. 436–440).

Minute Book of Processes, 1604–31.

Letters: the nearest of kin of umquhile Johne Muschett against Graham of Knokdolean, to exhibit Nicoll Suyre, rebell.

Rebellione: Hary Broun against Sir George Douglas.

Act: Robert Scott to exhibit all suche persones as Sir Walter Scott is obliged for to answer.

Suspensione: Johne Bryce denunced for alledged hearing messe.

Suspension [of] lawborrows: Andro Reid against George M^{c}Kennay.

Letters: Advocat against the baylies of Strathven for permitting Johne Kirkland to be at liberty after his imprisonment.

Act against the Marquis of Huntly for presenting Mr. Lowes Gordon and uthers papists within his boundis befor the shereff [*ante*, p. 598].

Proclamatione for conventione of the Estates to the Parliament to be holden upon the 10 Apryle [see *ante*, p. 596].

Rebellione: Johne Stewart against James Adamsone.

Complaint of oppressione: Mr. James M^{c}Catney against the Lord Newbotle.

Act remitting to the Assembly the support craved for the Church of Geneva.

Act ordaining the Clerk or his servand to intimat to the people, at the executione of any persone convict, the dittay and the maner of the doome.

Fol. 1, b

Act in favour of Hoome of Wedderborne, late comptroller, for releiving him of certane soumes of money wherin he wes superexpended [*ante*, p. 598].

Protestatione: Masie Kirko against Johne Lindsey.

Rebellione: James Lennox against Walter Leckie.

Rebellione: Willame Sandilandis against George Moutray.

Act against the Lord Hoome for exhibiting of James Johnstoun and others robbers before the Counsell.

Rebellione: Helen Granislaw against William Douglas.

Rebellione: Archibald Bald against James Ramsey.

Oppressione: Johne Hardie against William Carnegie.

Oppressione: Sir Patrik Ballenden against the Earle of Orkney.

Act ordaining letters against certane persones, papists, to appear and produce testimoniallis of there relaxatione from excomunicatione.

Rebellione: Johne Johnstoun against Patrik Hepborne.

Rebellione: Johne Lawder against James Hepborne.

Ryott: Thomas Kennedie against Johne Jardin.

Act discharging the wisling of forrain peices of gold not having course in Scotland.

Act ordaining the Lord Hoome to exhibit Thomas Tirie befor the Counsell, who wes excomunicat.

Rebellione: Patrik Monilawes against Williame Hoome.

Rebellione: Alexander Douglas against Andro Bisset.

Rebellione: Robert Beatoun aganst Sir Johne Melvill.

Suspensione: Maister of Ogilvie against the Lord Spainye.

Rebellione: Hendry Fairbairne against George Douglas.

Act for distributione of 10,000 lib. amongst his Majesties domestiquet servands. Minute Book of Processes, 1604–31.

[Edinburgh], 2nd February. Inglis claith being takin as forbiddin guddis ordanit to be restorit to the awner.

David Lumisden in Mordingstoun, as searcheour appoynted be the Comptroller, having tane twa pakkis of Inglis claith perteaning to Michell Flaibarne, as alledgit forbiddin guidis be the Act of Parliament in anno 1597, being persewit befoir the Counsale, wes ordanit to redelyver the same to the persewar, he payand the wounted custume for the same. Haddington MS. Excerpts. Fol. 328, b.

Wrichtis of the Canogait may sell thair waris at mercat dayis in Edinburgh.

The Lords fand that the wrichtis of the Canogait micht sell thair work in oppin mercat of Edinburgh upoun the ordinar mercat dayes, and micht set up thair work in any mans duelling hous of Edinburgh that bocht it and requyrit thame.

[Edinburgh], 4th February. Proclamation that nane repaire to England without licence [but that all officials and nobles remain at their proper posts in Scotland].

"Forsamekle as the cheif and principall caus quhilk procuris reverence and dewtifull obedience to the law in the hartis and actionis of all subjectis proceidis frome the cair and diligent attendance to [? of] the jugeis, officeris, and majestratis haveing authorite and jurisdictioun over thame, and frome the effectuall concurrance of noblemen, baronis and landit gentilmen with the same majestratis in all thingis concerning the executioun of thair offices, and nathing is mair able to procure the contempt of the Prince and of the law than the slewth and negligence of the saidis majestratis, jugeis and officers, leveing thair awin calling and chairge and committing the credett thairof to deputtis: quhilk being wyslie considerit be the Kingis Majestie our Soverane Lord, and his Hienes continewing in that faderlie and princlie cair quhilk he hes had alwayis of the peace, weill and quietnes of his Majesteis subjectis of this kingdome, [he] hes for this effect very cairfullie recommendit to the Lordis of his Counsall of Estait of Scotland that ordour and directioun be given that all personis beiring publice office and chairg of judicatour, criminall or civill, within this realme, be ordenit cairfullie and diligentlie to attend and await upoun thair callingis and officeis, and thairwith that all noblemen, barronis and landit gentilmen sall lykwayis be reddie to concure and assist with the same majestratis in all thingis concerning thair office, least, be thair removeing and depairting furth of this realme att thair plesour, the executioun of the law be frustrat. Thairfoir the Lordis of Secreit Counsall ordanis letters to be direct to command, chairge and inhebit all and sindrie counsallouris, liuetennentis, justiceis, shereffis, stewartis, bailyeis, and utheris beiring publice chairge and office within this realme, and siclyk all and sindrie noblemen, barronis and landit gentilmen, that nane of thame presume nor tak upoun hand to depairt and pas furth of this kingdome to the cuntrey of England, nor na uther pairt beyond sey, without speciall licence of the Lordis of Secreit Counsall had and obtenit to that effect, under the paines contenit in the Actis of Parliament, bot that the saidis majestratis and jugeis cairfullie and dilligentlie attend and await upoun thair officeis, and that the saidis noblemen, barronis, and landit gentilmen be reddie at all occasiones to concur and assist the saidis majestratis."

Haddington MS. Excerpts.

Niniane Stewart persewed Hector Bannatyne of Caymis, upon his caution fund conforme to the generall band to compeir and enter James and Thomas Bannatynes, his sones, to answer for thair convocation with airmour and hagbuts, and deforcing the Kingis officer in executing letters of poynding at the persewars instance. The Laird of Caymis compeirand, and his sones being absent, and witnessis being ressavit, als weill aganis the Laird compeirand as aganis hes sones that compeired not, *in pœnam contumaciæ*, it being provin that his saids sones had worne hagbutts, etc., the Lords fund that the saidis James and Thomas Bannatynes wer sik persones as Caymis, thair father, sould answer for, and that thay had worne hagbutts; and thairfore thay decernit Caymis and his cautioner to pay the sowme of fyve thousand merkis, conforme to the act of caution for observing the generall band, provyding that, gif he entered thame betuix and the aucht of Merche, he sould be frie of the payne; and assolyiet him from exhibition of his eldest sone, becaus he wes forisfamiliat and wes fear of the leiving. [Edinburgh], 7th February. Father ordained to exhibit his sones for weiring hagbuts, or to pay the payne of his band at ane day granted to him to obey the decreit.

Fol. 329, a.

The Lady Culzeane persewed the presbitrie of Aire for not observing the ordour keiped be thameselfs and all uther presbiteries aganis notorious malefactours, bot allowing of the resset and favour gevin to Thomas Kennedie of Drummorchie, Cloncaird, and thair complices, denunced rebells for mourthour of hir husband and uthers mourthours, and proclamed malefactours be the Kings prent [?] proclamatioun, aganis whom thay have nather used censuris nor admonitions, bot refusis to do the same and suffers ouersicht to be given to thame within thair presbiterie. Baith the pairties compeirand, and thair reasonis considerit, the Lords decernis letters to be direct to officiaris of airmes to chairge the ministers of the said presbiterie to pronounce sentence of excommunication aganis the saids rebellis betuix and the aucht day of Merche nixt, under the payne of rebellioun, and gif thay failyie to denunce. [Edinburgh], 16th February. Dame Elizabeth Makgill contrar Presbiterie of Aire: Presbiterie decerned to excommunicat rebells whom thay oversaw.

Act in favour of Bewis Bilmure, for taking ordour with his werkmen, and laying the offendars in the stokkis gif thair offence be small, and, gif it be great, to tak thame and present thame to the Counsall. Mynes: Bilmer.

The inhabitants of Dalkeith and Musselburgh and uthers nichtbours compleanand upoun Edinburgh for taking ane new impost,—for ilk laid of aill aucht d., for ilk burding of aill [? coill] 4d., for ilk laid of victuall 4d., for ilk laid of fische or flesche 8d., and for ilk burding transportit furth thairof 4d.,—the persewars compeirand, and the defendars being absent, the Lords decernit the saids magistrates to suffer and permit the compleanars to carrie in the saids aill, coills, victualls, and all uthers necessars, for payment of ane pennie for ilk laid allanerlie. [Edinburgh], 1st March.[1] Inhabitantis of Dalkeith and uthers contrair Edinburgh.

[1] On the day preceding this, viz. Feb. 29 1604 (1603 in English reckoning), John Whitgift, Archbishop of Canterbury, who had crowned King James in Westminster Abbey seven months before (*ante*, p. 581, n.), died at Lambeth. His successor in the Primacy was Richard Bancroft, remembered as far more severe in his dealings with the Puritans.

[Edinburgh], 6th March. Nobilmen that hes gevin in assurance entrand sik of thairs as brekis the same by thair knawlege to be frie.

Act in favour of the Erle of Eglintoun and Lord Sempill:—The Lords, upoun the supplicatioun of the saids Erle of Eglintoun and Lord Sempill, declairs that, in cais it sal happin ony persoun or persones for whom the saids complenars takis burding in thair assurances to do or attempt ony thing whairupon ane brek of assurance may be inferrit aganis thame, that the entrie and exhibitioun before the saids Lords of the persones offendars, to be tane ordour with and puneist for thair awin deids, sall librat and freith the saids compleaners of all brek of the said assurance, and of all payne and skaith whilk thay or thair cautioneris may incur thairthrow. Haddington MS. Excerpts.

Concerning the deposition of Hall of Hawiesyde and his torturing be the Lord Home.

Hall in Haiviesyde being tane be my Lord Home, lieutenant, and in tortour having deponed sum things to my Lord of Roxburghs prejudice, whilk he revoked at his execution, the Kings Majestie declairit that my Lord Home did na wrang in his tortouring and tryell, and that my Lord of Roxburgh wes nawayes tuiched nor prejudged be Halls deposition, whilk wes unwourthie of all credit.

[Edinburgh], 8th March. John Rouchat contrar James Stevinson.

Ane complaint of oppression in ane frie commoning be ressaving ane contract to sie and reid, and not redelyvering thairof, bot ryving and burning of it, remittit to the juge ordinar.

[Edinburgh], 16th March. Wairdit for bragging upon the calsay of Edinburgh.

The Laird of Parbroth and Alexander Keith of Balmure committit to waird within the Castell of Edinburgh, for thair mutuall bragging and boisting of uthers upon the calsay of Edinburgh.

[Edinburgh], 23rd March. Prorogation of Parlement.

"Forsamekle as, be adverteisment frome his Majestie, it is certefeit that the Parliament of England is able to draw in greitter lenth nor at the first it wes expectit, and his Majestie being unwilling that his Estaitis of Scotland sould be driven to unnecessar attendance and chairgeis: hes thairfoir willit the Parliament of the Estaitis of this his realme to be fensit upoun the tent day of Aprile, quhilk wes the day appointit for halding of the said Parleament, and be continewit and proragat to the xxiiii day of Aprile nix to cum,—willing all the saidis Estaitis be proclamatioun and missive to be advertesed of the same, that thai have na necessitie to addres thameselffis to the said Parliament bot againe the said xxiiii day, except sic speciall personis quhais presens at the fensing of the said Parleament the said tent day will be requirit and necessar: againe quhilk tyme the saidis Estaitis ar speciallie willit and requirit to gif thair personall comperance, under the panes injoynit upoun absentis in the lyk caus. And ordanis publicatioun heirof to be maid at the mercat croce of Edinburgh, at the heid burghis of haill schiris within this realme, that nane pretend ignorance of the same."[1] Fol. 329, b.

[1] King James's first English Parliament had met at Westminster on the 19th of March (1603 in the English reckoning, though 1604 in the Scottish). The King's opening speech to the two Houses had been very long and very characteristic. See it in *Rapin* and a portion of it in Calderwood, vi. 252–257. After speaking of his happy accession to the throne of England and of his undoubted hereditary right to the same, he dilated successively on such topics as his negotiations already for peace with Spain, his passionate

Royal Letters, 1604–12. Page 3.

Royston, 31st March. [Letter from the King to the Council for the Master of Montrose's admission to be one of the members thereof.]

"Right trustie and weilbelovit Cosinis and Counsellouris, we greit you wele: Whereas we find Johnne, Maister of Montrois, affectionatlie disposed to our service, and that it is expedient that men of his rank and qualitie sould in thair youth be trayned up in imployment in our affairis, that, being of rype age, thay may be the mair capable, thairfoir we haif resolved to admitt and rassave the said Maister upoun our Counsell of Estate in Scotland, willing you by these presentis to ressave his aith and admitt him thairunto, according to the forme used in the admissioun of utheris."

desire for a complete union between England and Scotland, and the intended firmness of his Church-policy as it would affect the Roman Catholics on the one hand and the Puritans on the other. His recommendations of a complete union of the two nations were especially emphatic. Such a union, he said, was but the natural and proper consequence of his being now, by God's providence, King of both. "What God hath conjoined, then, let no man separate. I am the husband, and all the whole Island is my lawful wife; I am the head, and it is my body; I am the shepherd, and it is my flock. I hope therefore no man will be so unreasonable as to think that I, that am a Christian King under the Gospel, should be a polygamist and husband to two wives; that I, being the head, should have a divided and monstrous body; or that, being the shepherd to so fair a flock (whose fold hath no wall to hedge it but the four seas), I should have my flock parted in two . . . . And, as God has made Scotland (the one half of this Isle) to enjoy my birth and the first and most imperfect half of my life, and you here to enjoy the perfect and last half thereof, so cannot I think that any would be so injurious to me, no, not in their thoughts and wishes, as to cut asunder the one half of me from the other." In short, practical arrangements for negotiating the Union were among the things he most ardently expected from this English Parliament.—At the date of the present letter, when the Parliament had been sitting but four days, he had perceived that its proceedings in this and in other matters were likely to be dilatory. Hence, as it was essential that the two Parliaments should co-operate in the affair of the projected Union, and as it was almost equally essential that the pulse of the English Parliament should have been fully felt on the subject before the Scottish Parliament should be called on to take corresponding action, it had been resolved to prorogue the Scottish Parliament to a fortnight beyond the date for which it had been originally called (*ante*, p. 596),—*i.e.*, from the 10th of April to the 24th. As we shall find, there was to be still further prorogation.

ACTS OF CAUTION.

A.D. 1599–1604.

ACTS OF CAUTION.

Acta Cautionis 1597-1600. Fol. 119, b.

Caution by Williame Scott of Abbotishall for George Wilsoun in Miltoun, in 500 merks, not to harm the bailies, council and community of the burgh of Anstruther be-west the burn, conform to the King's letters of 25th May 1596. The band, registered by Mr. Thomas Mawer, advocate, is subscribed at Fawsyde, 30th September 1598, before Arthour Ra, notary, writer hereof, Arthour Inglis, Johnne Broun, Williame Couper, James Douglas. Edinburgh, 1st June 1599. Caution for George Wilson.

Johne Maxuell of Conhaith for Herbert M^{c}Kie in Troqueir, 500 merks, not to harm Thomas Crustie at the Brigend of Drumfreis. The band, registered by Cornelius Tennent, advocate, is subscribed at Drumfreis 29th May, before Johnne Maxuell, apparent of Conhaith, Robert and Eduard Maxuellis, "my sones," Robert Libody, "my servand," David Walker, notary, Thomas Batie, burgess of Drumfreis, Johnne Gordoun, writer: Herbert Cunynghame, notary, being writer hereof and subscribing, with John Rig, notary, as witness, for Herbert M^{c}Kie. Herbert MacKie.

Fol. 120, a.

James Cunynghame, younger of Glengarnok, for Robert Cunynghame of Querreltoun, Hew Cunynghame of Greinend, George Cunynghame of Hag, and David Cunynghame of Ibert, his father-brothers, in £500 each, and by them for him in £2000, not to harm Johnne Maxuell, tutor of Aikinheid, Johnne Maxuell of Bosfeild, Johnne Maxuell in Langsyde, called Johnne in Lonemouth, Robert Hall in Greinlaw, Andro Hamiltoun and Michaell Mertine, servants to the said Tutor, and Robert Maxuell, apparent of Dynwoddie. The band, registered by Mr. Williame Oliphant, advocate, is subscribed at Glengarnock, 28th May, before Patrik Schaw, James Mitchell and Johnne Jak, servitors to the said James Cunynghame, younger of Glengarnok, and Mr. Johnne Heriot, minister at Kilbirnie, writer hereof. Edinburgh, 2nd June. Cunningham and others.

Fol. 120, b.

Fol. 121, a.

Hector Monro of Foullis for Hucheoun Monro of Ardnilyie, in 4000 merks, not to harm Williame Innes of Calrossie,—Mr. Johnne Nicolsoun, as procurator, registering the band, subscribed at Foullis, 27th May, before Andro Monro, "my brother," Andro Monro of Tanoware, Neill Monro, portioner of Suardill, and Hector Monro in Kilchen: Johnne Monro, notary, subscribing for the said Hucheoun. Hucheon Munro.

Walter Ker, brother of George Ker of Fawdounsyd, as principal, and Mr. James Home in Corskie, as surety, £500, not harm James Stalker, writer, burgess of Edinburgh. Edinburgh, 6th June. Walter Kerr.

Fol. 121, b.

Edinburgh, 8th June. William Hannay.

Harbert Maxwell of Cavence for Williame Ahanny, merchant, burgess of Drumfreis, 500 merks, not to harm Harbert Makkie, burgess thereof, and James Makkie, his son,—Johnne Halydy registering the band, subscribed at Drumfreis, 5th June, before Johnne Sturgeoun, merchant, Williame Hanyng, Robert Cunynghame, notaries, Johnne Gordoun, writer: Johnne Makghie, writer hereof, notary, subscribing for Williame Ahanney, and Herbert Cunynghame, notary, witnessing. Acta Caut. 1597–1600. Fol. 122, a.

Edinburgh, 12th June. William Porterfield and his sons.

James Cunynghame, fiar of Glengarnok, for Williame Porterfeild of that Ilk, in £2000, Alexander Porterfeild, his son and apparent heir, in 2000 merks, and Johnne Porterfeild, also his son, in 500 merks, not to harm Williame Cunynghame of Walyairdis. The band, registered by Mr. Williame Oliphant, advocate, is subscribed at Glasgu, 9th June, before Johnne Cunynghame, Johnne Cunynghame, merchant in Edinburgh, Robert Cunynghame of Querreltoun,—George Cunynghame of Hag,—George Huchesoun, notary in Glasgu, being writer hereof. Fol. 122, b.

James Rankine.

Williame Rollok of Balbegie for James Rankene, his tenant, in 300 merks, not to harm Thomas Lyell at the mill of Balmulie *alias* called the mill of Kinblathmont, Williame Mill and Johnne Pedie, his servants, and James Lamb in Gilthorne, conform to the King's letters dated at Edinburgh 5th May last. The band, registered by Mr. James Donaldsoun, is subscribed at Dundie, 1st June, before Alexander Jak, merchant, burgess of Dundie, Thomas Crombie, burgess there, and Thomas Hunter, notary, writer hereof.

Edinburgh, 14th June. George Kerr.

George Ker of Fawdounsyd, as principal, and Walter Ker, his brother, as surety, £1000, not to harm James Stalker, writer, burgess of Edinburgh. Fol. 123, a.

Edinburgh, 15th June. Mr. Donald Campbell.

Johnne Campbell, commissary of Inuernes, for Mr. Donald Campbell, son-natural of the late Johnne Campbell of Cadell, 300 merks, to answer upon 10th November next before the King and his Council to the complaint against him by Johnne Campbell of Adinkinglas and Dame Jeane Hamiltoun, his spouse.

Edinburgh, 19th June. John Crichton.

Johnne Creychtoun of Innernytie, as principal, and Andro Murray of Balvaird, as surety, £1000, not to harm Alexander Blair of Balgray. Fol. 123, b.

Inhabitants of Auchterarder.

Mawnis Fentoun in Auchtirardour, as principal, and Johnne Fute there, as surety, and said Johnne, as principal, and Mawnis as surety for him, also Lyones Mailler there, as principal, and Williame Barnet, elder there, as surety, and said Barnet, as principal, and Mailler as surety, each in £100, not to harm Johnne, Earl of Montrois, in his wood of Kincairne.

Edinburgh, 22nd June. John Shanks.

Johnne Huchiesoun of Garbraid for Johnne Shankis in Gartnavill, in 300 merks, not to harm Johnne Stewart of Rosland, conform to the charge given to him by Thomas Clogy, messenger. The band, registered by James King, advocate, is subscribed at Glesgu, 19th June, before Williame Glen, Johnne Woddrope, Williame Muir, and Johnne Patersone, burgesses of Glesgu, and Robert Herbertsoun, writer hereof, and Mr. Henry Gibsone, notaries,—the notaries subscribing for Huchiesoun. Fol. 124, a.

Edinburgh, 25th June.

Johnne Durie in Lochend, as principal, and James Marjorybankis,

Acta Caut. 1597–1600. Fol. 124, b.

merchant, burgess of Edinburgh, as surety, £1000, not to harm Williame Sandis and Thomas Huittoun, portioners of Luscour, and Marioun Aitkin there. John Durie.

Aula M°Cawla of Ardincaple for Mungo Lindsay of Bullule, 1000 merks, not to harm Walter Colquhoun of Myltoun, Johnne Colquhoun, his son, James and Adame Colquhounis there. Mungo Lindsay.

Sir George Levingstoun of Ogilface for James Aytoun, son of the late Thomas Aytoun of Balcascan, £500, to be answerable at the instance of Sir Hew Carmichaell of Welstoun, as law will. Edinburgh, 27th June. James Ayton.

Fol. 125, a.

James Hamiltoun of Kilbrakmonth for Sir Williame Stewart, commendator of Pettinweyme, and Dame Issobell Hepburne (Lady of Pitfirren), his spouse, 1000 merks, not to harm Mr. Thomas Sandielandis, father-brother of Williame Sandielandis of Sanctmonanis. The band, registered by Mr. Robert Lyntoun, advocate, is subscribed at Pettinweyme, 26th June, before George Halkett, James Bennistoun, Johnne Pery (Pirrhie) and Johnne Corsaw, notaries public. Edinburgh, 28th June. Commendator of Pittenweem and his spouse.

Fol. 126, b.

James Clerk in Fordy, as principal, and Johnne Kynnaird, maltman, burgess of Edinburgh, as surety, 100 merks, not to harm Andro Ra, portioner of Fordy, Jonet Haggart, widow there, Christiane and Marjory Thomesonis, her daughters, Adame Thomesoun there, and James Allane there. Edinburgh, 2nd July. James Clerk.

Williame Bothwell of Quholpsyde for George Johnnesoun and Jacobe Jacobsone, "Hollanderis," either in 100 merks, to answer before the King and his Council to anything laid to their charge when required. George Johnsoun and Jacob Jacobson.

Fol. 126, a.

Johnne Maxuell of Conhaith for Harbert M°Kie, burgess of Drumfreis, and James M'Kie, his son, 500 merks each, not to harm Williame Ahannay, merchant, burgess of Drumfreis,—James Hervie, advocate, registering the band, subscribed at Drumfreis, 26th June, before Johnne Maxuell, younger, apparent of Conhaith, George Rig, merchant, Johnne Corsane, merchant, burgesses of Drumfreis, and Williame Bek, servitor to the said Harbert M°Kie: Robert Maxuell, notary public, writer hereof, subscribing for the said Harbert M°Kie. Edinburgh, 3rd July. Herbert MacKie and his son.

Fol. 126, b.

David Grahame, servitor to Johnne, Earl of Montrois, chancellor, for James Grahame, burgess of Ochtirardour; said James for Johnne Grahame, burgess there, and Johnne Elder there; Walter Adie, as principal, and Johnne Drumond, burgess there, as surety; said Drumond, as principal, and said Adie, as surety; Williame Tasker there, as principal, and Ronnald Patersoun there, as surety; said Ronnald, as principal, and said Tasker, as surety; Johnne Darling there, as principal, and Johnne Crystie, as surety; said Crystie, as principal, and said Darling, as surety; Johnne Gairdner there, as principal, and James Drummond, flesher there, as surety; and said Drummond, as principal, and said Gairdner, as surety, each in £100, not to harm Johnne, Earl of Montrois, in his wood of Kincardin. Edinburgh, 4th July. Inhabitants of Auchterarder.

Fol. 127, a.

Williame Horsburgh in Edderstoun and burgess of Peblis, as principal, and Johnne Murray, brother of the Laird of Rowmannois, as surety, 1000 merks, not to harm the provost, bailies, council, community and inhabitants of Peblis. Edinburgh, 9th July. William Horsburgh.

Leslie of Kincraigie. George Leslie of Durnoch for Patrik Leslie of Kincragie, in £1000, not to harm Alexander Calder of Alstoun, and Katherine Fraser, his mother; also, said George for the said Patrik and George Leslie, his son and apparent heir, not to harm Johnne Forbes in Tullikery,—under the pains in the letters executed against them. Acta Caut. 1597–1600.

John Johnstone. Johnne Johnnestoun, parson of Johnnestoun, as principal, and Andro Roriesoun of Bardannoch, as surety, £1000, not to harm Johnne, Commendator of Saulsett, Cuthbert and Simone Johnnestonis, his brothers, Andro, James and Johnne Johnnestonis, sons of the late Thomas Johnnestoun, and Johnne and Williame Johnnestonis, sons of William Johnnestoun.

Edinburgh, 10th July. William Harret. Williame Harret, portioner of Wester Coitis, as principal, and James Hendersoun of Easter Coitis, as surety, 500 merks, not to harm Williame Johnnestoun in Cowsland. Fol. 127, b.

Edinburgh, 11th July. Robert Hepburn. Robert Hepburne of Adirstoun, as principal, and James Hepburne of Sauchnell, as surety, to pay £40 for his escheat by 20th November next, or else obtain nullity of the horning used against him for not finding law-surety to James Clerk of Balbirny and Alexander Clerk his brother. Fol. 128, a.

Edinburgh, 12th July. John Weir. James Weir of Blaikwod for Johnne Weir, 500 merks, to appear before the King and his Council when charged and answer touching the "haveing of fals cunzie"—Mr. Johnne Russill, advocate, registering the band, subscribed at Blaikwod, 10th July, before Mr. Williame Weir of Pownell, Johnne Weir of Hill and Thomas Weir of Halkisland.

Arthur Cunningham. Arthour Cunynghame in Craignestoun, as principal, and Johnne Cunynghame of Birkshaw, as surety, 500 merks, not to harm Johnne Sitlingtoun of Stanehous, Williame Sitlingtoun, his brother, Johnne Sitlingtoun in Apin, and Thomas Sitlingtoun in Tenrey.

Edinburgh, 13th July. Patrick Panter. Alexander Falcouner of Halkertoun for Patrik Panter of Newmaniswallis, £1000, not to harm the provost, bailies, council, community and inhabitants of Monros. Fol. 128, b.

Mr. James Beaton. James Weymis of Bogy for Mr. James Betoun of Creich, £1000, not to reset David Betoun, his son and apparent heir, during the time of his rebellion and disobedience.

James Scott. James Scott of Hundileshoipe, as principal, and Johnne Tait in Cailzie, as surety, 1000 merks, not to harm the provost, bailies, council, community and inhabitants of Peblis.

Ross of Haining. Johnne Boll of Kilburnie for Mr. Mathew Ros of Hanyng, in 3000 merks, not to harm Marioun Hamiltoun, relict of Johnne Ros of Hanyng, Mr. James and Thomas Rossis, her sons. The band, registered by Mr. Williame Borthuik, advocate, is subscribed at Glasgu, 9th July, before Robert Schaw, servitor to the said Johnne Boll, Johnne Davidsoun, his servitor, and Johnne Kennedie, servitor to the said Mr. Mathew. Fol. 129, a.

Thomas Garden. George Gairdin of Lawtoun for Thomas Gairdin in Legatsoun, not to harm Johnne Scrymgeour of Glaswall, Thomas Skrymgeour, his brother, and David Spalding, his servant.

Mr. Robert Garden. David Gairdin, elder of Leyis, for Mr. Robert Gairdin, his brother, to the

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effect foresaid,—Mr. Henry Balfour, advocate, registering the band, subscribed at Wester Kelader, 10th June, before Gilbert Gairdin, brother of the said David, and Williame Gairdin, his son.

Edinburgh, 16th July. William Innes and others.

James Innes, apparent of Innerbraky, for Williame Innes of Calrossy, in 1000 merks, Johnne M'Gillandreis in Canderuif, Williame M'Williame Beg and Johnne M'Gillandreis Stracholir, in 500 merks each, not to harm Williame Ros of Ulladaill.

Fol. 130, a.

Edinburgh, 17th July. George Stirling and his son.

Sir Archibald Stirling of Keir for George Stirling in Gardinkirk and Robert Stirling, his son, either in £40, not to harm Andro Weddell in Blaiklandis, Robert and Johnne, his brothers, Johnne Weddell, elder in Gartmillane, Williame Weddell, his son, Andro and Johnne, sons of James Weddell in Gartingavok.

Stewart of Craigyhall.

James Sandielandis of Calder for Hary Stewart of Craigyhall, £100, to enter Thomas Barcar in Cramound, alleged to be his man, before the Lords of Secret Council when required, to the effect he may be made answerable to justice at the instance of Mr. Rannald Bane, in case it shall be found that he ought to do the same.

John Lauder.

Alexander Lawder of Haltoun for Johnne Lawder in Over Kanerstoun, 300 merks, not to harm the provost, bailies, council, community and inhabitants of Peblis.

Fol. 130, b.

Edinburgh, 18th July. Men of Aberdeen.

Alexander Jaffray, merchant, burgess of Abirdene, for Williame Lorymer, burgess there, in 3000 merks, Johnne Fyffe and Williame Craigheid, burgesses there, in 1000 merks each, to answer when required before the King and Council touching the "forgeing, fenyeing, prenting, haueing, outputting and exchangeing amangis his Majesteis subjectis of fals and adulterat money."

Edinburgh, 19th July. Steven Bruntfield and others.

Stevin Bruntfeild of Girnladen, as principal, and Alexander Bruntfeild of Eastfeild, as surety, 500 merks each; said Alexander, as principal, and said Stevin, as surety, same sum; said Stevin for Robert Bruntfeild in Merkisworth, same sum; and said Stevin, Alexander, and Robert for Robert Bruntfeild, younger of Todrig, same sum; and for Alexander Bruntfeild, brother of the said Robert, in Merkisworth, Alexander Home in Todrig, Robert and James Bruntfeildis in Cauldsyde, Adame Bruntfeild

Fol. 131, a.

in the Dam, Williame Broun in Eymouth, Johnne Frenche in Ecclis, Niniane Foullis, messenger in Bassindyne, Johnne Bruntfeild in Gordounmaynes, Patrik Thomesoun in Girnelaw and Andro Bruntfeild in Pittilseuche, in 300 merks each: not to harm Johnne Ramsay in Caildscheill.

Edinburgh, 21st July. William Scott.

James Scott of Bowhill for Williame Scott in Glak, 1000 merks, not to harm the provost, bailies, council, community and inhabitants of Peblis.

Walter Curror and his son.

Alexander Gordoun of Corrydoun for Walter Currour of Inchedrour, in £1000, and George Currour, fiar thereof, in 1000 merks, not to harm

Fol. 131, b.

George Barclay in Threipland,—Mr. James Donaldsoun, advocate, registering the band, subscribed at Inchedrour, 17th July, before Williame Norie, portioner of Inchedrour, James Mair in Culbirny, Alexander Robertsoun, messenger, and Donald Wrycht, notary in Banff, writer hereof.

Simon Mill. Johnne Scott in the Burnsyde of Anstruther for Simone Myll (Miln) in Pittinwyme, 1000 merks, not to harm Alexander Young, usher depute of the King's chamber,—said Simone, and Agnes Young, his mother, becoming sureties in relief. The band, registered by Mr. Isaak Broun, advocate, is subscribed at Pettinweyme, 6th July, before Thomas Midilmest, Williame Foullar, burgess in Pettinweyme, Mr. James Weilland, schoolmaster in Pettinweyme, Johnne Corsaw and Walter Aird, notaries public, and Williame Corsaw, his son, writer hereof,—the said Johnne Corsaw and Walter Airth subscribing for Johnne Scott and Agnes Young. Acta Caut. 1597–1600. Fol. 132, a. Fol. 132, b.

William Innes. James Innes, apparent of Innerbrakie for Williame Innes of Calrossie, 4000 merks, not to harm Hucheoun Monro of Ardnilyie.

Men of Crail. Thomas Cunynghame, burgess of Craill, for Williame Bowsie and Allane Cunynghame, burgesses thereof, and Johnne M^{c}Kiesoun, common clerk of the said burgh, to deliver to Johnne Jansoun 800 "daillis," conform to a decree given thereanent, under the pain of 500 merks.

James Irvine. Mr. Richard Irving of Hiltoun, burgess of Abirdene, for James Irwing of Auchyeoch, 2000 merks, not to harm Elizabeth Hay, relict of James Maitland of Monlatie, Walter Ogilvy, burgess of Banff, now her spouse, for his interest, Thomas Will, James Will, his son, Gilbert Skene and Johnne Daniell in Mekle Auchyeoch and Andro Jaffray in Doghillak, tenants to the said Elizabeth and Walter. The band, registered by Mr. Lawrence M^{c}Gill, advocate, is subscribed at Abirdene, 20th July, before Johnne Irwing in Ardtanfurde, Mr. Robert Paip, advocate, Thomas Donnaldsone, servitor to the said Mr. Richard, and Mr. Williame Chalmer, notary public, writer hereof. Fol. 133, a.

William Dunbar. Johnne Dumbar of Moynes for Williame Dumbar of Hemprigs, 1000 merks, not to harm James, Earl of Murray,—Johnne Dumbar, apparent of Hemprigis, becoming surety in relief.

Hucheon Munro and his son. Johnne Dumbar of Moynes for Hucheoun Monro of Assint, in £1000, and Hector Monro, apparent thereof, in 1000 merks, not to harm Neill Monro, portioner of Suardill,—Mr. Johnne Monro, subdean of Ros, becoming surety in relief. Fol. 133, b.

Edinburgh, 25th July. Campbell of Glenorchy. Sir Duncane Campbell of Glenurquhy, as principal, and Johnne Campbell of Laweris, as surety, in 3000 merks, not to harm Donald Menteith of Troquhin.

Edinburgh, 27th July. John Crichton. Johnne Creychtoun of Innernytie, as principal, and Duncane Robertsoun of Dulkebon, as surety, 1000 merks, to answer upon the 10th November next, before the King and his Council, touching his alleged assisting, art and part with the Earls of Angus, Huntlie and Errole, his Majesty's declared traitors for the time, and for his alleged trafficking and practising against the true religion. Fol. 134, a.

Alexander and Walter Forrester. Alexander Seytoun of Cargunnok for Alexander Forester in Myethill and Walter Forester, fiar of Culmar, either in £500, to answer before the King and his Council upon 2nd November next touching the bearing and wearing of pistolets, and striking of Johnne Roshill, messenger, in execution of his office.

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Mr. James Wischeart, burgess of Montros, as principal, and Mr. George Fraser in Edinburgh, as surety, to pay to the provost and bailies of the said burgh the sum of £24 in case it shall be found that he ought to do the same, and that for Wischeart's part of the contribution granted for satisfaction of the decree pronounced against the magistrates of Montros in favour of Edmond Arnold, Englishman. Edinburgh, 28th July. Mr. James Wishart.

Andro Moncur of that Ilk for George Kynnaird of Eddertie, £1000, not to harm Elspeth Gray, relict of Patrik Kynnaird of Inchestuir, and Williame Gray, now her spouse, for his interest,—Johnne Haliday, advocate, registering the band, subscribed at Brechin, 25th July, before James Skrymgeour of Fordill, Hew Hering of Pendreich, Andro Brady of Fol. 135, a. Castiltoun, Johnne , messenger, and Johnne Noray, notary in Brechin, writer hereof. George Kinnaird.

Michaell Balfour in Balgregy, as principal, and Williame Chaip, merchant, burgess of Edinburgh, £500, not to harm Henry Mauld of Balgregy, and Williame Irland, his tenant. Edinburgh, 30th July. Michael Balfour.

Alexander Clerksoun in Bowhill and Patrik Crawfurde at the kirk of Auchtirardan, as principals, and Williame Berner, tailor, burgess of Edinburgh, as surety for them, each in £500, to the effect foresaid. Alexander Clerkson and Patrick Crawford.

Fol. 136, a. David Sibbald of Lethem for Issobell Sibbald, relict of Mr. George Boswall, parson of Auchtirderen, £1000, also to the effect foresaid. Falkland, 30th July. Issobell Sibbald.

Fol. 135, b. Cuthbert Greirsoun of Dalskairth (Halydayhill) for Issobell Hammiltoun, relict of Williame Symsoun, litster at Brigend of Drumfreis, £200, not to harm Williame Shortrig, burgess of Drumfreis,—Johnne Halyday registering the band, subscribed at Drumfreis, 27th July, before Johnne Makghe, notary in Drumfreis, Williame Hanyng, notary there, writer hereof, and Andro Puill in Daskarth, and Robert Puill. Edinburgh, 31st July. Issobell Hamilton.

James Dalzell, merchant, burgess of Edinburgh, for Johnne Law in Pitcairne, £500, not to harm Henry Mauld of Balgregy, and Williame Irland, his tenant. John Law.

Fol. 136, a. Johnne Turnbule of Mynto for James Douglas of Caveris, sheriff of Roxburgh, in £2000, to enter Hector Lorane of Hoirwode, and Gilbert Lorane, his father-brother, in case it shall be found that he ought to do the same,—James Hervy, advocate, registering the band, subscribed at Barnhillis, 26th June, before Hector Turnbule of Barnehillis, George Bell and Robert Broun, his servitors, and Johnne Turnbule, servitor to the Laird of Bedroule: James Thomesoun, notary, subscribing for Turnbule of Mynto. Edinburgh, 1st August. Douglas of Cavers.

Fol. 136, b. Thomas Ros, son of the late Johnne Ros of Hanyng, as principal, and David Foullartoun, brother of the Laird of Dreghorne, as surety, in £500, not to harm Mr. Mathow Ros of Hanyng. Edinburgh, 3d August Thomas Ross.

Archibald Maxuell of Newtoun for Johnne M^{c}Ghie, notary in Drumfreis, in 1000 merks, not to harm Cuthbert Cunynghame, notary in Drumfreis,—Cornelius Tennent, advocate, registering the band, subscribed Fol. 137, a. at Cowhill, 12th July, before Williame Maxuell of Barcassane, his brother, Johnne M^{c}Brair, burgess of Drumfreis, James Ga in Cowhill, and Williame Hanyng, notary, writer hereof. John MacGhie.

Edinburgh, 8th August. John Munro.

George Monro of Mekle Tarrell for Johnne Monro of Pittruichtie, 300 merks, to answer upon the 15th November next to a complaint made against him by Johnne Dumbar of Avach. Acta Caut. 1597-1600.

Edinburgh, 9th August. Inhabitants of Peebles.

Uthreid M^cDowell of Mondurk for Mark, Lord of Neubottle, provost, in 2000 merks, Niniane Lowis, Gawin Thomesoun, bailies of Peblis, and Mr. Archibald Douglas, parson thereof, in £500 each, and for Johnne Tuedy there, clerk, Johnne Tod, Johnne Newtoun, Robert Newtoun, Thomas Smyth, James Dalmahoy, Michaell Pringle, Williame Porteous, James Porteous, Thomas Tuedy Johnne Mure, James Horsburgh, Thomas Williame soun, Patrik Patersoun, Williame Broderstanis, Cuthbert Aikfurde, Adame Gilleis, Hector Dickiesoun, cooper, Hector Cranstoun, Williame Dickiesoun in Cunyienuke, Patrik Bowo there, Johnne Kirkwode, Eduard Robiesoun, Johnne Dickiesoun in Deniswynd, Johnne Scott, Adame Dickiesoun, James Tuedy, James Mershell, James Porteous, Andro Wychtman, Johnne Stoddert, Johnne Stevisoun, merchant, Stevin Alshonnar, messenger, Patrik Vetche, messenger, James Mewros, Robert Richie, Williame Bennett, Patrik Bennett, Thomas Bennett, Alexander Braidy, David Vetche, Williame Braidy, Mareone Ker, widow, Johnne Tueddell, Thomas Tueddell, Johnne Wode, Williame Wilsoun in the Hietoun, Gilbert Lawder, Johnne Young, Allane Tuedy, Andro Tueddell, James Tueddell, Johnne Wylie, Tueddell, Thomas Frank, Richard Chisholme, Williame Wauch, Andro Alshonnar, Johnne Leggatt, Hew Leggat, Thomas Patersoun, Mathew Bell, Thomas Cleg, Thomas Horsburgh, Williame Ellott, Alexander Broderstanis, James Broderstanis, Issobell Andersoun, widow, James Stevisoun, Johnne Dickiesoun, Williame Williamesoun, Johnne Bullo, Patrik Gevane, Johnne Scott, Alexander Scott, Mathew Hay, Alexander Gevane, Patrik Gevane of Aikinfeild, Johnne Peblis, Paull Robiesoun, James Smyth, Robert Wilsoun, Eduard Tuedy, smith, Williame Robiesoun in Auldtoun, Johnne Edmond there, Nicoll Edmond there, Patrik Ewmond there, James Wallace, Thomas Patersoun, James Robiesoun, fisher, Patrik Robiesoun, fisher there, Johnne Tuedy there, Andro Patersoun there, Williame Wilsoun there, James, Thomas, and Johnne Frankis, all burgesses and inhabitants of Peblis, in 300 merks each, not to harm Williame Horsburgh in Edderstoun. The band, registered by Johnne Haliday is subscribed at Edinburgh, 8th August, before James Newtoun in Edinburgh, Robert Power, Alexander Wylie, writer, and Williame Ruthven, writer hereof. Fol. 137, b. Fol. 138, a.

Edinburgh, 13th August. David Balfour and others.

David Balfour of Bandone, as principal, and Andro Bickartoun of Wester Casche, as surety, 2000 merks, and said David and Andro for Johnne Balfour in Falkland and Johnne Balfour, son of the said David, either of them in £500, not to harm Margaret Deprinyie, relict of Captain Johnne Balfour.

Henry Maull and William Ireland.

Hew Maxuell of Buttirgask for Henry Mawll of Balgregy, 500 merks, and Williame Irland, his tenant, 100 merks, not to harm Issobell Sibbald, relict of Mr. George Boswall, parson of Auchtirderan, David Bosuall, her

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son and apparent heir, Johnne Law in Pitcairne, Alexander Clerk in Bowhill, Patrik Crawfurde at the kirk of Auchtirderain, and Michaell Balfour in Balgregy.

David Spens. David Spens, son of the late Mr. David Spens, archdeacon of Dunkeld, as principal, and Thomas Windygaittis, burgess of Edinburgh, as surety, 1000 merks, not to harm Johnne Lyon, tailor.

Edinburgh, 14th August. Finlay Fearn and others. The sums of money following were consigned in the hands of James Prymrois, clerk, by Johnne Irwing of Kynnok as surety for the persons

Fol. 139, a. underwritten: to wit, £40 for the escheat of Finla Ferne, and £5 each for the escheats of Gilbert and Johnne Hayis, burgesses of Tayne, to be delivered to the Treasurer in case it shall be found that he ought to have the same.

Edinburgh, 15th August. William Bennet and John Rowan. Williame Bennett, portioner of Balgoner, as principal, and Johnne Rowane of Craighous, as surety, and said Johnne, as principal, and said Williame, as surety, either of them in 500 merks, not to harm Robert Colvile of Cleische.

William Blair and others. Andro Arnote of Lochrig for Williame Blair in Dalmastrawk, Eduard Holmes in Auldwallis, and James Barclay in Fynnik, 500 merks each, not

Fol. 139, b. to harm Johnne Cunynghame in the Rawis of Grugar, conform to the King's letters dated at Edinburgh 10th July last. The band, registered by Archibald Boyde, advocate, is subscribed at Kilmernok and Finnik, 12th and 13th August, before Hew Eduard in Sandbill, Robert Herper in Brewlandis, Patrik Herper, tailor, Williame Alexander in Finnik, Niniane Boyid there,—Hugh Powar, notary, subscribing for the principals.

James Forrester and others. Alexander Seytoun of Gargunnok for James Forester, dwelling in Broiche, in 400 merks, and Thomas and Johnne, his sons there, either of

Fol. 140, a. them in 200 merks, not to harm Robert Gracie in Grein Mollen of Boquhen. The band, registered as above, is subscribed at Stirling, August, before Johnne Miller, one of the bailies of Stirling, David M°Cawla and Thomas Couper, tailors, burgesses in Stirling,—Williame Huid, notary, writer hereof, subscribing for the said Alexander Seytoun,

Fol. 140, b and James and Thomas Foresteris.

Duncan Fraser. Johnne M°Kenzie of Garloche for Duncane (? Donald) Fraser in Menteith, in 500 merks, not to harm Angus M°Neill, dwelling in Menteith, conform to the King's letters dated at Edinburgh 29th July,—Mr. Richart Spens, advocate, registering the band, subscribed at Inuernes, 30th April, before George Cumyng, burgess of Inuernes, Gilbert Patiesoun, Henry Vaus, Williame Cumyng, saddler, Robert Vaus and Jasper Cumyng, notary public: the said Jasper subscribing for M°Kenzie and Fraser.

MacKenzie of Kintail. It having pleased the King to suffer Kenneth M°Kenzie of Kintaill to repair furth of the Castle of Edinburgh for four or five miles, when he shall think expedient, for "repose, helth and recreatioun," caution by the said Kenneth, as principal, and Robert, Lord Seytoun, as surety for him, to re-enter nightly within the said Castle, under the pain of 10,000 merks. The band, registered by Williame Oliphant, advocate, is subscribed at Edinburgh and Seytoun, 15th August, before Mr. David

Lindsay, minister at Leyth, Kenneth M°Kenzie of Kilchreist. Deleted by a warrant, subscribed by his Majesty, the Treasurer and the Laird of Spott, dated at Haliruidhous 25th September 1599. Acta Caut. 1597–1600. Fol. 141, b.

Edinburgh, 18th August. James Gibb. Alexander Cunningham.

James Gib in the Pow, as principal, and Johnne Reid, elder of Garthknowis, as surety, in 500 merks, not to harm Robert Colvill of Cleische.

Andro Arnote of Lochrig for Alexander Cunynghame, son of the late Alexander Cunynghame in Rawis, 500 merks, not to harm Johnne Cunynghame, now in the Rawis of Grugar, conform to the King's letters dated at Edinburgh 10th July last. The band, registered by James King, advocate, is subscribed at Kilmernok and Fynnik, 16th August, before Thomas Campbell in Kilmernok, Williame Cruikis, notary, writer hereof, George M°Irvaill, his servitor, and Johnne Wilsoun in Stobmaling. Fo'. 142, a.

Edinburgh, 20th August. William Hay of Mayne.

Thomas Hay, clerk and burgess of Elgin, for Williame Hay of Mayne, in 1000 merks, not to harm Alexander Innes of Cokistoun, Mr. Johnne Innes of Haltoun, and Robert Innes in Speislaw, conform to the King's letters dated at Edinburgh 11th April last. The band, registered by Johnne Halyday, advocate, is subscribed at Elgin, 16th August, before Mr. Alexander Douglas, minister at Elgin, Mr. Gawin Douglas, his brother, Mr. Alexander Rawsoun, parson of Spynie, James Dumbar, burgess of Elgin, and Robert Hay, notary public, writer hereof. Fol. 142, b.

Mr. Alexander Douglas and others.

Williame Hay of Mayne for Mr. Alexander Douglas, minister at Elgin, and George Douglas, minister at Dolles, in 500 merks each, and Mr. Gawin Douglas, their brother, in 300 merks, to the effect foresaid. Band, registered as above, is subscribed at Elgin, 16th August, before said Rawsoun, James Dumbar, Thomas Hay, burgesses of Elgin, and said Robert Hay. Fol. 143, a.

Stirling Castle, 20th August. Richard Batieson.

Johnne Levingstoun of Donypace for Richart Batiesoun, son of Johnne Batiesoun of Davintoun, in £2000, to re-enter the said Richart in ward in the tolbooth of Edinburgh, furth of which he "hes borrowit him," by 20th September next. Fol. 146, a.

Culross, 22nd August. Edward Rowan and others.

Eduard Rowane in Burnesyd, as principal, and Johnne Donaldsoun in Bordlandhill, as surety; said Johnne, as principal, and said Eduard, as surety; and said Eduard for James Rowane in Bordlandhill,—in 500 merks each, not to harm Robert Colvill of Cleishe: Williame Rowane, son of the said James, becoming surety in relief. Fol. 145, a.

Nicol Rowan and others.

Nicoll Rowane, portioner of Bandrum, for Williame and Nicoll Rowanis, his sons, Williame Rowane in Over Kynnedder, Williame Watsoun there, and Williame Hendirsoun in Bandrum, and said Hendersoun for the said Nicoll, in 500 merks each, to the effect foresaid. Fol. 145, b.

Edinburgh, 24th August. John Chapman and others.

Johnne Chapman of Cobilhauche and Lawrence Hendersoun in Kildynnie, as principals, and George Hendirsoun, cordiner, burgess of Edinburgh, as surety, and said principals and surety for Alexander Chapman, brother of the said Johnne, Thomas Chapman in Kildynnie, James Chapman there, Johnne Chapman, his son, Johnne Chapman in Forgundeny, Lawrence Chapman in Burnesyde, Williame Chapman at the mill of Forteviot, and Andro Chapman at the mill of the Mure, not to harm Johnne Dad in Forteviot, under the pains following: 1000 merks for the Fol. 143, b.

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said Johnne Chapman of Cobilhauch, and 300 merks for each of the rest.

Fol. 145, b. Johnne Dumbar of Barnmure for Johnne Kennedy, apparent of Blairquhane, in £500, to answer upon 9th October next before the King and his Council touching his lying at the horn unrelaxed, or else to produce relaxations from all hornings under which he presently lies. Glasgow, 26th August. Kennedy of Blaquhan.

Fol. 144, a. James Barclay, portioner of Newtoun of Montblerie, for George Barclay in Threipland, in £1000, not to harm George Currour, fiar of Inchedrour, and in particular not to remove or break Currour's "deas or seate" in the parish kirk of Innerboyndie. The band, registered by Mr. Lawrence M'Gill, advocate, is subscribed at Banff, 22nd August, before Mr. Alexander Barclay, burgess of Banff, Henry Leask, saddler there, Williame Kelman, his servitor, Williame Hill in Myrehous, and Mr. George Chalmer, notary public, writer hereof. Edinburgh, 28th August. George Barclay.

Aula M'Caula of Ardincapill, as principal, and Hew Crawfurde of Clobirhill, as surety, 2000 merks, not to harm Duncane Campbell, captain of Carrik. Glasgow, 29th August. MacAulay of Ardincaple.

Fol. 145, b.

Fol. 144, a. Johnne Ruthven and James Balnaveis *alias* Pyper, burgesses of Perth, for Johnne Dae in Fortiveot, in £500, Johnne and Williame Daes, his sons, Andro Drone in Eglismagirdill and George Small there, in 300 merks each, not to harm Johnne Chapman of Cobilhauch and his colleagues, principals foresaid (*ante*, p. 618), conform to the letters dated at Edinburgh 25th August. The band, registered by Umphra Blinsele, advocate, is subscribed at Perth, 30th August, before Hary Ruthven of Freland, Thomas Johnnestoun, burgess of Perth, Patrik Haddane, student of philosophy in Sanct Salvator's College of Sanct Androis,—Walter Dog, notary, servitor to the Earl of Montros, chancellor, and writer hereof, and Johnne Schaw, notary, subscribing for James Balnaveis and Johnne Dae. Edinburgh, 31st August. John Day and others.

Fol. 145, a.

Fol. 146, a. Alexander Cokburne of Wodheid for Alexander Home of Rentoun, in 1000 merks, not to harm David Home of Godiscroft,—Sir Alexander Home of Snuk and the said principal becoming sureties in relief. Mr. Robert Murray registers the band, subscribed at Ormestoun, 3rd September, before Sir Johnne Cokburne of Ormestoun, justice clerk, Mr. Williame Hairt of Leviland, lord justice, George Fawsyde, younger, and Johnne Storeis, servitors to the said Sir Johnne,—Johnne Ambros, servitor to Mr. Robert Murray, advocate, being writer hereof. Edinburgh, 3rd September. Home of Renton.

Fol. 146, b.

Johnne Stark, burgess of Edinburgh, obliges himself that the dues to be uplifted by him, for building the bridge of Kirkintullo and repairing the bridge of Inchebellie, shall be applied to the uses foresaid. Edinburgh, 6th September. John Stark.

Williame Harratt, portioner of Wester Coittis, as principal, and George Harratt, also portioner thereof, as surety, in 500 merks, to answer upon 1st November next to a complaint made against him by Williame Hendersoun in Cowsland, Thomas Johnnestoun there, and James Wrycht there. Edinburgh, 7th September. William Harret.

Fol. 147, a. Johnne Maitland, younger of Auchingassill, for Sir James Douglas of

Douglas of Drumlanrig and others.

Drumlangrig, and Robert Dalzell, elder of that Ilk, and Robert Dalzell, younger of that Ilk, his cautioners, to pay £10,000, specified in a decree of contravention obtained by the Earl of Errole, Lord Levingstoun, Lord Newbottle, and Cunynghame, son of Johnne Cunynghame of Birkshaw, against the said Sir James and his cautioners, one half thereof (£5000) to the treasurer and the other half to the obtainers of the said decree; also, to remove James and Johnne Johnnestonis and Robert Lowry furth of the lands of Sned, called Nether Bordland, and enter the said Johnne Cunynghame therein, in case it shall be found that they ought to do so. The band, registered by Mr. Umphra Blinsile, advocate, is subscribed at Blaknes and Balagan, 17th and 22nd August, before James Dowie and Johnne Wallis, servitors to the said Sir James, James Hunter of Ballagan, Thomas Hunter in Baitfurde. Acta Caut. 1597–1600. Fol. 147, b.

William Horsburgh.

Williame Horsburgh in Edderstoun, burgess of Peblis, as principal, and Johnne Gevane of Cardronno, as surety, in 1000 merks, not to harm the provost, bailies, council, community, burgesses and inhabitants of Peblis. The band, registered as above, is subscribed at Edinburgh, 4th September, before Alexander Wylie and Williame Ruthven, writer hereof, servitors to James Prymrois, Clerk of Secret Council.

Edinburgh, 8th September. William Cunningham and others.

Alexander Cunynghame of Craiganis for James Crawfurde of Flattertoun, elder, James Crawfurde of Flattertoun, younger, and David Crawfurde of Cartisburne, in 1000 merks each, Williame Cunynghame in Welyairdis, Jonet Crawfurde there, Williame Crawfurde brother of the said David, Robert and Dowgall Stewartis, father-brothers of the Laird of Blakhall, in 500 merks each, not to harm Alexander Porterfeild, son and apparent heir of Alexander Porterfeild of that Ilk, Stevin and Margaret Moriesonis in Welyaird. The band, registered by Patrik Murray, advocate, is subscribed at Craganis, 6th September, before Robert Cunynghame, Williame Cunynghame, James Power, Johnne Crawfurde, servants to Alexander Cunynghame of Craganis, and Gabriell Cunynghame, brother of Williame Cunynghame in Walyaird,—George Huchiesoun, notary in Glasgu, being writer hereof. Fol. 148, a. Fol. 148, b.

James Innes.

Johnne Irwing of Kynnok for James Innes, apparent of Innerbraky, 2000 merks, not to harm James Corbett, son of James Corbett, portioner of Arkboll, conform to the King's letter dated at Edinburgh 1st May last. The band, registered by Mr. George Tod, is subscribed at the Chanonry of Ros, 1st September, before David Carnegy, elder, burgess there, Alexander Spens, burgess there, James Pedder there, Johnne Forbes, servitor to the said James, Innes and Adame Dumbar, notary public, writer hereof,—the said notary subscribing for Innes. Fol. 149, a.

Gordon of Lesmore and others.

George Gordoun of Downance for Alexander Gordoun of Lesmoir, James Gordoun, his son and apparent heir, George Gordoun of Glascowforest and Williame Chesser there, not to harm Andro Keyth in Carnedralyane, under the pains in the letters raised to that effect,—Mr. Lawrence M°Gill registering the band, subscribed at Colholstoun, 3rd September, before Thomas Murray, Henry Murray, and Williame Fergus. Fol. 149, b.

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Archibald Beg, merchant, burgess of Edinburgh, and Finla Heslop in Sanquhar, for Johnne Cowman in Halfmerk, Williame Cowman, his brother, Patrik Cowman in Lethenis, Geillis Rae, their mother, widow, James Lokkie in Glenquhory, 500 merks, not to harm Andro Reid of Auchinteuche. Edinburgh, 10th Sept. John Cowman and others.

Fol. 150, a.

Johnne Andersoun, merchant, burgess of Edinburgh, for Johnne Strathauchin, fiar of Edillevaird, in 2000 merks, and said principal for Williame Strathauchin in Chappeltoun of Eddilevaird, James Strathauchin at the mill of Edillevaird, Alexander Strathauchin in Bogtoun, Johnne Udny in Freirglen, and James Udny, his son, in 500 merks each, not to harm Thomas Walker in Boigincabir. John Strachan and others.

Johnne Dumbar of Auach for Robert Leslie of Douglie (Finrasie), provost of Rosmerky, in £1000, and said Johnne and Robert for Johnne Leslie and Robert Wauche, servants to the said Robert, Robert Gowane, son of Mungo Gowane, bailie of Rosmarky, and Archibald Harper there, in 300 merks each, and for said Mungo and Johnne Grant, bailies of Rosmerky, either of them in £500, not to harm Johnne Irwing of Kynnok. Edinburgh, 14th Sept. Robert Leslie and others.

Fol. 150, b.

Kenneth M°Kenzie of Kintaill for Johnne Dumbar, fiar of Auach, in 1000 merks, Donald Rid, his servant, James Dumbar of Little Suddy, Alexander, Robert, Gawin and Coline Dumbaris, brothers of the said Johnne, Mungo Gowane, burgess of Rosmerky, Robert Gowane, his son, George Grahame there, and Martine Davidsoun there, in 500 merks each, not to harm Rory Dingwill of Kildin, Duncane Bane, apparent of Tulloch, Alexander Bane of Logy, Johnne Bane of Slego, Mr. Ronald and Alexander Banis, sons natural of Alexander Bane of Tulloch, Alexander Bane, son of Duncane Bane, apparent of Tulloch, Williame Dingwill, brother of the said Rory, David Miller in Denmyln, Donald Miller in Little Suddy, Donald Miller in Kilen, and Johnne Miller in Achterflo. The band, registered by Mr. Alexander Thomesoun, advocate, is subscribed at Edinburgh, 14th September, before Francis Irwing, servitor to the said Kenneth, Robert Leslie of Findressie, and Robert M°Termet. John Dunbar and others.

Fol. 151, a.

Kenneth M°Kanzie of Kintaill for Walter Innes of Innerbraky, £2000, not to harm James Corbett, younger son of James Corbet, portioner of Arkboill. Edinburgh, 17th Sept. Walter Innes.

Thomas M°Clelane of Balma for Williame M°Clelane of Auchlane, tutor of Bomby, 2000 merks, not to harm James M°Kye, son of Harbert M°Kie, burgess of Drumfreis—Mr. Robert Pollok registering the band, subscribed at Auchlane, 11th September, before Johnne Broun, apparent of Land, Williame M°Clelane in Auchlane, Thomas Carrok, servitor to the said Williame, and Johnne M°Kie, notary public. Tutor of Bombie.

Fol. 151, b.

Alexander Tulloch, apparent of Tannacheis, as principal, and Alexander Dumbar of Lochhill, as surety, in £1000, not to reset or intercommune with James Tulloch, son of Robert Tulloch of Tannacheis, Patrik Dumbar in Golfurd, George Tulloch, and Alexander Suthirland, denounced at the instance of Williame Douglas of Erlismill in default of finding surety for Alexander Tulloch.

their appearance before the Justice to underlie the laws for the slaughter of Williame Douglas, conform to the King's letters dated 22nd March last. The band, registered by Mr. David Guthrie, is subscribed at Fores, 10th September, before Archibald Adesoun, burgess of Edinburgh, Thomas Tulloch, son of Robert Tulloch of Tannacheis, and Johnne Dumbar, son of Patrik Dumbar of Conzie. Acta Caut. 1597–1600. Fol. 155, b.

Patrick Dunbar and Robert Tulloch.

Patrik Dumbar of Conzie, as principal, and Robert Tulloch of Tannacheis, as surety, and said Robert, as principal, and said Patrik, as surety, in £1000 each, not to reset or intercommune with James Tulloch, son of the said Robert Tulloch, Patrik Dumbar in Golfurd, George Tulloch, Patrik Raper and Alexander Sutherland, servants to Alexander Tulloch, denounced rebels for the cause above written. The band, registered, etc., as above. Fol. 156, a.

Edinburgh, 18th Sept. Earl of Morton.

Eduard Mekiljohnne, merchant, burgess of Edinburgh, for Williame, Earl of Mortoun, in £1000, not to harm George Harrett, portioner of Wester Coittis. Fol. 151, b.

Edinburgh, 19th Sept. John Miln and others.

Sir Robert Douglas of Glenbervy for Johnne Mylne in Hakhill, Williame Walker in Nether Kynmonth, Thomas Walker in Bogincaber, and Archibald Walker in Candy, not to harm Johnne Strauchane, fiar of Dillimardie, conform to the King's letters dated at Halyrudhous, 10th September inst.,—Mr. Thomas Craig registering the band, subscribed at Glenberuy 16th September, before Robert Car in Brumbank, Johnne Douglas, Robert Douglas, Johnne Thomesoun, servitors to the said Sir Robert, and James Auchinlek, notary public. Fol. 152, a.

Mr. David Home of Godscroft.

Patrik Home, fiar of Aytoun, for Mr. David Home of Godscroft, in 1000 merks, not to harm Alexander Home of Rentoun,—Mr. Johnne Makgill registering the band, subscribed at Coldinghame Law and Aytoun, 14th and 16th September, before Williame Symsoun and Rychart Symsoun, servitors to the said Mr. David Home, J. Horne, notary, and Mr. James Hairt in Coldinghame Law, writer hereof. Fol. 152, b.

Edinburgh, 21st Sept. John Kennedy.

Johnne Davidsoun of Pennyglen for Johnne Kennedy of Baltersane, in 1000 merks, not to reset or intercommune with Hew Kennedy of Girvanmanis, Gilbert and Williame M^{c}Fedderissis, Mr. Alexander M^{c}Clog, their servant, denounced rebels for the slaughter of Andro M^{c}Alexander of Drummochryne, during the time of their rebellion. The band, registered by Mr. Umphra Blinsele, advocate, is subscribed at the burgh of Mayble, 16th September, before Sir Hew Kennedy, son of the said principal, Johnne Kennedy, son of Duncane Kennedy in Maybell, Kennedy, cordiner, and Oliver Ros in Mayble.

Edinburgh, 24th Sept. John Wood.

Robert Semple of Fowlwod for Johnne Wod of Myldevyne (Guilistoun), in £1000, not to harm James Hunter, son of the late Alexander Hunter, burgess of Canrus, alleged donator, by gift of the Duke of Lennox, to the said Johnne Wod's moveable escheat within the bounds of the Lennox, for which he is now pursuing by order of law, conform to the tenor of a ticket of charge given to the said Johnne under the subscription of Ringane Ramsay, messenger. The band, registered by George Fol. 153, a.

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Duff, is subscribed at Dumbertane, 20th September, before Mr. Williame Hall, brother of James Hall of Foulbar, Williame Semple of Dalmok, Mr. James Cunynghame, notary public, Mr. Robert Biggert and Williame Wilsoun, servitors to the said Mr. James.

Edinburgh, 28th Sept. Robert Richardson and others.

Robert Richartsoun, bailie of Anstruther Wester, as principal, and James Strang, merchant, burgess of Edinburgh, as surety, and said Robert and James for Andro Richardsoun, burgess of Anstruther, Johnne

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Thomesoun, Thomas Richardsoun, David Strang, George Craill, David Wyde, Williame Darsy, and Johnne Bowsie, all burgesses of Anstruther, in 400 merks each, not to harm Agnes Young, relict of Johnne Miln, burgess of Pittinweyme, and Symon Miln, her son.

Fol. 154, a.

James Corbet and his sons.

George Monro of Mekle Tarrell for James Corbett, portioner of Arkboill, Johnne Corbett, his son and apparent heir, James, Henry, Alexander, Williame, Walter and George Corbettis, also sons of the said James Corbett, portioner of Arkboill, in £2000 each, not to harm Walter Innes of Innerbraky, James Innes, his son and apparent heir, Walter and Johnne Innessis, bastard sons of the said Walter Innes of Innerbraky, Williame Innes of Roskein, Williame Innes, portioner of Midgany. The band, registered by Mr. Robert Young, is subscribed at Tarrell, 21st September, before George Monro, Johnne M^{c}Culloch, Magnus Ferne, servitors to the said George Monro, and Johnne Forester, servitor to Mr. Johnne Ros, parson of Logy,—the said Johnne Corbet, servitor to my Lord President, being writer hereof.

Fol. 166, b.

Glasgow, 29th Sept. Inhabitants of Glasgow.

Johnne Spreull of Ladymure for Walter Buye, elder, merchant, burgess of Glasgow; James Temple, bailie, merchant, burgess there, for Johnne Temple, his brother, and Williame Buye, merchants, burgess there; and James Montgomerie, merchant, burgess there, for Walter Buye, younger, burgess there,—in £500 each, not to harm Arthour Allane, merchant, burgess there. The band, registered by the principals and sureties, is

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subscribed at Glasgow, 28th September, before Patrik Adame, merchant, David Andro, skinner, burgesses of Glasgow, Johnne Auldbrue, baxter there, and Johnne Marschell in Easter Caddell,—George Huchesoun, writer hereof, notary, and Johnne Craig, notary, subscribing for Walter Buye elder, and James Montgomerie.

Fol. 153, b.

Edinburgh, 2nd October. John Strachan.

Johnne Strauchauchin of Dullyvard for Johnne Strauchauchin, fiar of Dulliverd, in 1000 merks, not to harm Johnne Milne in Halkhill, Williame Walcar in Nether Kynmonth and Archibald Walcar in Drumlethe. The

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band, registered by Mr. Johnne Fermonth, is subscribed, at Dullyvaird, 29th September, before James Cuming, James Strauchaichin, George Strauchachin.

Fol. 156, a.

Edinburgh, 3rd October. Alexander Dunbar and John Hay.

Alexander Dumbar of Boith, as principal, and Johnne Hay of Urknay, as surety, and said Johnne, as principal, and Alexander, as surety, in £1000 each, not to reset or intercommune with James Tulloch, etc., as in the act of caution of 17th September last (*ante*, p. 621),—Mr. David Guthrie registering the band, subscribed at Forres, 19th September, before Patrik Dunbar of Conzie, Robert Tulloch of Tannacheis, Frances Forbes burgess in Forres, and Andro Dumbar in Mercassie, writer hereof.

Edinburgh, 4th October. John Strachan, elder and younger.

Johnne Andirsoun, merchant, burgess of Edinburgh, for Johnne Strauchane of Dullyward, and Johnne Strauchane, fiar thereof, either of them in 1000 merks, not to harm Sir Robert Douglas of Glenberve, Thomas Walker, servitor to the Laird of Glenbervy, Williame Walcer in Nehter Kynmonth, Patrik Huntair there, Archibald Walcar in Candy, Williame Spark there, Johnne Mylne in Halkhill, Archibald Rate in Brakinmure, Johnne Kynneir in Cowdoun, Thomas Torrie in Drumlethe, James Spark there, Robert Spark, servitor in Boguncaber, Williame Wolume, Rodger Mure, servitors to Sir Robert Douglas of Glenbervy, James Walcar in Nether Kynmonth, Mr. Adame Walker, minister at Fordoun, James Walcar, servitor to Robert Sybbald in Cair, James Andirsoun of Drumlethie, Richert Duffie in Incheis, Alexander Lindsay in Corsbet, Robert Ker in Bromebank, Johnne Spark in France, Johnne Spark, younger there. Acta Cant. 1597–1600. Fol. 154, b.

William Strachan and others.

Johnne Strauchane, fiar of Dullywerd, for Williame Srauchane in Chapeltoun, James Strauchane at the Mylne, Alexander Strauchane in Bogtoun, Williame Strauchane in Ochtochter, Johnne Marnie in Freirglen, Alexander Marnie there, and James Crab, in 300 merks each, to the effect foresaid. Fol. 155, a.

Lord Ochiltree.

Williame Stewart of Tullimat for Andro, Lord Stewart of Uchiltrie, 3000 merks, not to reset or intercommune with Hew Kennedy of Girvenmanis, Gilbert M°Fedres, Williame M°Fedres, and Alexander M°Cloig, his servants, who are denounced for their non-compearance to underlie the law for art and part of the slaughter of Andro M°Alexander,—conform to the charge given to the said Lord at the instance of Jonet Kennedy, relict, with the fatherless bairns and remanent kin, and friends, of the said Andro. Mr. David Guthrie registers the band subscribed at Tullemet, 1st October, before Edwart Patoun, Johnne Porter, Robert Lekprivik, James Williamesoun,—Johnne Anisly, notary public, being the writer hereof. Fol. 156, b.

Edinburgh, 5th October. MacKenzie of Kintail.

Sir James Stewart of Newtoun for Kenneth M°Kanzie of Kintaill, in 6000 merks, not to harm James Crambie, burgess of Perth. Mr. Thomas Craig registers the band, subscribed at Dunkele, 29th September, before Murdo M°Kenzie, apparent of Ardafallie, Mr. Johnne M°Kenzie, parson of Dingwell, and Alexander M°Kenzie, writer hereof. Fol. 157, a.

William, Archibald, and Thomas Walker.

Sir Robert Douglas of Glenbervie for Williame Walcer in Nether Kynmonth, Archibald and Thomas Walkeris, his sons, not to harm Johnne Marnie in Freirglen, under the pains in the letters dated at Edinburgh 10th September. The band, registered by Mr. Isaak Broun, is subscribed at Glenbervie, 1st October, before Robert Douglas, Johnne Douglas, Johnne Thomesoun, servitors to the said Sir Robert, and James Auchinlek, notary public,—the said notary subscribing for the said Williame and Archibald Walkeris. Fol. 157, b.

Edinburgh, 6th October. David Kennedy.

Thomas Kennedy of Birkhill for David Kennedy of Corssie not to reset, supply or intercommune with Hew Kennedy of Gravenmanis, etc., as in the act foresaid,—Mr. Johnne Russell, advocate, registering the band,

Acta Caut. 1597–1600. Fol. 158, a. subscribed at Airdstincher, 2nd October, before Walter Mure of Cloncaird, Hew Kennedy of Bennan, Williame Bryan, notary, and Williame Kessane in Ballentray, writer hereof.

Fol. 158, b. Gilbert Kennedy of Bargany for Hew Kennedy of Bennan, in 1000 merks, to the effect foresaid. The band, registered as above, is subscribed in presence of Waltir Mure of Cloncard, Thomas Kennedy, "my brother," Gilbert Kennedy, servitor to the said Gilbert, and Williame Bryane, notary, writer hereof. Kennedy of Benman.

Hew Kennedy of Bannane for Gilbert Kennedy of Bargany, in 3000 merks, also to the effect foresaid. The band is registered, etc., as above. Kennedy of Bargany.

Fol. 159, a. Thomas Kennedy, brother of the Laird of Bargany, for Walter Mure of Cloncard, in 1000 merks, also to the effect foresaid, conform to the charge Mure of Cloncaird.

Fol. 159, b. given by Robert Campbell, messenger, upon 30th September last. The band is registered and subscribed as above, before Hew Kennedy of Bennane, Gilbert Kennedy, brother of Hew Kennedy of Clauchantoun, Williame

Fol. 160, a. Bryane, notary, and Gilbert Ramsay.

David Kennedy of Corssis for Thomas Kennedy of Kirkhill, in 1000 merks, also to the effect foresaid. The band is registered and subscribed as above, before Walter Mure of Cloncaird, Hew Kennedy of Bennane, Williame Bryane, notary, and Williame Kessane, writer hereof. Kennedy of Kirkhill.

Fol. 160, b. Walter Mure of Cloncaird for Thomas Kennedy, brother of Gilbert Kennedy of Bargany, in 1000 merks, also to the effect foresaid. The band is registered and subscribed as above, before Hew Kennedy of Bennane, Gilbert Kennedy, brother of Hew Kennedy of Claunantoun, Williame Bryane, notary, and Gilbert Ramsay. Thomas Kennedy.

Fol. 161, a. Eduard Mikiljohnne, burgess of Edinburgh, for Andro Thomesoun in Saulihgshaw, 500 merks, not to harm Johnne Rowane of Craighouse. Edinburgh, 8th October.

Andro Hervie of Elrik for William Forbes of Logyfintry, in 500 merks, not to slay any salmon fish in forbidden time upon the waters of Dee or Done, with coble, net, spear, wand, creel, pock, "herriwatter," or any other kind of engine, conform to the charge given to him by the provost and Andrew Thomson. Edinburgh, 10th October. Forbes of Logyfintray.

Fol. 161, b. bailies of Abirdene, according to the late Act of Parliament. The band, registered by Mr. David Guthrie, advocate, is subscribed at Logyfintraye, 4th October, before George Craigheid and Andro Forbes, servitors to the said Williame Forbes, Andro Hervy, son of the said Androw, and James Hervie, writer hereof.

Williame Forbes of Logyfintray for Andro Hervie of Elrik, in 500 merks, to the effect foresaid,—Guthrie registering the band, subscribed at Harvy of Elrick.

Fol. 162, a. Elrik, 4th October, before Thomas Bettie and George Symmer, servitors to the said Andro Hervye, George Craigheid, Andro Hervie, son of the said Andro, and James Hervye, writer hereof.

Patrik Levingstoun of Saltcoittis, as principal, and Robert Fawsyde of that Ilk, as surety, in 2000 merks, not to harm Margaret Steuart, relict of Andro Ker of Fawdounsyde, and George Ker, now of Fadounsyde. Livingstone of Saltcoats.

Fol. 162, b. David Borthuik, chamberlain to Mark, Lord of Newbottle, for Thomas Trustie, burgess of Drumfreis, in 300 merks, not to harm Harbert M'Kye, Thomas Trusty.

burgess of Drumfries, Thomas M^cKye, his son, and Charlis Maxuell in Conhaith,—Mr. Robert Young registering the band, subscribed at Newbottle, 9th October, before Thomas Giphart and Walter Stewart, servitors to my Lord of Newbottle. Acta Caut. 1597–1600.

Edinburgh, 15th October. Countess of Angus.

Mr. Johnne Dowglas of Tannaquhy for Dame Geillis Grahame, Countess of Angus, his mother, that, conform to an Act of Parliament, dated 1597, "anent slayaris of blak feischeis in forbidden tyme" (Acts of Parl. iv. cap. 32 p. 138), she, her tenants or servants dwelling on her lands adjacent to the rivers of Dey and Done, shall not slay any salmon fish in forbidden time upon the said waters with any kind of engine, under the pains in the said Acts. The band, registered by Mr. Johnne Scharpe, younger, is subscribed at Glenbervy, 1st October, before Mr. James Dowglas, minister at Glenbervy, Johnne Dowglas, Robert Keir, George Falcouner. Fol. 163 a.

Dunbar of Conzie.

Williame Sutherland of Duffus for Patrik Dumbar of Conzie, in £3000, not to harm Mr. Edward Bruce, commendator of Curlos (? Kinloss),—Mr. Richart Spens registering the band, subscribed at , 30th August, before Johnne Law, servitor to the said Williame Sutherland, David Imrie, servitor to my Lord of Kunros, and Andro Dumbar in Mercasin; the writer of the obligation being Alexander Sutherland, servitor to the said Williame Sutherland. Fol. 163, b

Sir John Vaus.

Uthrid M^cDowall of Garthland for Sir Johnne Vaus of Loncastell, in 3000 merks, not to reset or intercommune with Hew Kennedy of Girvanemanis, etc. (*ante*, p. 624). The band, registered by Mr. Alexander King, is subscribed at Barnbarroch and Garthland, 7th and 9th October, before Williame Baillie, servitor to the said Sir Johnne, Williame Neisbet, notary, writer hereof, Hew Kennedy of Chepell, Johnne M^cKye, Gilbert Agnew, "my servitouris." Fol. 164, a.

MacDowell of Garthland.

Andro M^cDowell of Ervie, for Uthred M^cDowell of Garthland, in 3000 merks, to the effect foresaid. Band, registered as above and subscribed at the Garthland, 9th October, before Hew Kennedy of Chapell, Johnne M^cKye and Gilbert Agnew, servitors to the said Uthred, and Johnne Agnew, also his servitor and writer hereof.

Walter Innes and his son.

Johnne Irwing of Kynnok for Walter Innes of Innerbraky, in 3000 merks, and for James Innes, his son and apparent heir, under the pains in the letters raised against him, not to harm Henry Corbet, servitor to George Munro of Terrall and son of James Corbet, portioner of Arkboll, and the said James Corbet, and Johnne, James, Alexander and Williame Corbettis, also his sons. Band, registered by George Abirnethie, and subscribed at the Chanonry of Ros, October, before Frances Irving, servitor to Kenneth M^cKenzie of Kintaill, Johnne Fraser, burgess of the Chanonry, Williame Irving, messenger there, James Pedder there, and Adame Dunbar, notary public, writer hereof. Fol. 164, b. Fol. 165, a.

Edinburgh, 17th October. John and John Munro.

Alexander Fraser of Gusachquhan for Johnne Monro of Pitchonoche, in £1000, and for Johnne Monro of Easter Half Dauache, in 500 merks, not to harm or molest Johnne Dunbar of Avache. Band, registered by Mr.

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Alexander Levingstoun, is subscribed at Kingelie, 11th October, before Hucheoun Fraser, apparent of Foir, Williame Fraser of Culmiln, and Alexander M°Lauchlan in Drumcarday.

ol. 165, b.

Johnne Forbes of Ardmurdo for Johnne Johnnestoun of that Ilk, that neither he nor his men dwelling upon the rivers or waters of Ourey, Diee or Done, shall slay, by any kind of engine or "industrie," salmon fish, red fish, smolts or any kind of fry in forbidden time, under the pains prescribed in the Acts of Parliament made thereanent. Band, registered by Mr. Johnne Russell, is subscribed at Ardmurdo, 12th October, before George Dalgarno, Johnne Crag, and Johnne M°Kiesoun, writer hereof, servitor to Mr. Alexander Peblis. Edinburgh, 19th October. Johnstone of that Ilk.

ol. 166, a.

Johnne Reid of Gartknowy for Mathew Fleming and Arthour Allane, merchants, burgesses of Glasgu, £500, not to harm Walter Bowy, merchant, burgess there, Williame Bowy and Walter Bowy, his sons, and Johnne Temple, younger, burgess of Glasgu. Mathew Fleming and Arthur Allan.

Johnne Johnnstoun of that Ilk for Johnne Forbes of Ardmurdo, that neither he nor his men shall slay salmon fish, smolts, red fish, or any other kind of fry on the Die or Done in forbidden time, under the pains in the Acts of Parliament. Band, registered by Mr. Johnne Russell, is subscribed at Ardeharauld, 11th October, before George Johnnestoun, brother of the said Johnne, Andro Johnnestoun, "my servitour," Walter Cassie, and Johnne M°Kiesoun, writer hereof. Forbes of Ardmurdo.

ol. 166, b.

Fol. 167, a.

Alexander Dumbar of Lochhillis for Robert Dumbar of Bourge, in £1000, not to reset or maintain James Tulloch, George Tulloch, Patrik Dumbar in Golfurde, Alexander Sutherland, and Patrik Raper, rebels, conform to the letters obtained at the instance of Williame Douglas of Erlismylne, dated at Edinburgh 22nd March. Band, registered by James King, advocate, is subscribed at Bourgie, 14th October, before George Tulloch, brother of Alexander Tulloch, sometime in Hilkairne, Thomas Glas in Burgie, Alexander Dumbar, servitor to the said Robert. Edinburgh, 22nd October. Robert Dunbar of Burgie.

Fol. 167, b.

James Spence of the Kirktoun of Alwes for George Dumbar of Ausklesk, £1000, not to reset or maintain James Tulloch, son of Robert Tulloch of Tannaquhis, Patrik Dumbar in Golffurde, servitor to Alexander Tulloch, apparent of Tannaquheis, George Tulloch, Patrik Rapair, and Alexander Sutherland, all servitors of the said Alexander Tulloch, denounced rebels for not finding surety in the Books of Adjournal to underlie the laws for their ungodly slaughter of Williame Douglas, second son of Williame Douglas of Erlismylne. Band, registered by Mr. Thomas Craig, is subscribed at Alwes Kirktoun, 14th October, before James Keyth, brother of the "rycht honorabell" Johnne Keyth in Ravinscraig, Robert Dumbar in Alwes, James Dumbar, his son, Alexander Spence, "my brother," reader at the kirk of Alwes, and James Done, servitor to the Earl of Murra,—Johnne Annand, burgess of Elgin, being writer hereof. George Dunbar.

Fol. 168, a.

Fol. 168, b.

Alexander Dumbar of Inschebrok for James Dumbar of Newtoun, in £1000, to the effect foresaid. Band, registered as above, is subscribed at Wester Alwes, 14th October, before James Keyth, brother of the Laird of Dunbar of Newton.

Fol. 169, a.

Craig, James Dumbar of Wester Alwes, Alexander Spence, reader at Alwes, and James Done, servitor to the Earl of Murray. Acta Caut. 1597–1600.

Edinburgh, 24th October. Menteith of Kerse.

Johnne Menteith, merchant, burgess of Edinburgh, for Williame Menteith, younger of Kers, in £500, and Patrik Hendirsoun, his servant, in 200 merks, to answer, upon the 22nd November next, before the King and his Council to a complaint made against them by Cristean Reid, Lady Randiefurde, and Captain Patrik Hering, her spouse, for which they are denounced rebels; also, that they shall pay the following sums for their escheats, viz., the said Williame 40 merks and the said Patrik 20 merks, or else obtain nullity of the horning used against them for not appearing to answer to this complaint.

Edinburgh, 26th October. Andrew Gray and others.

Johnne Allerdes of that Ilk for Andro Gray of Kingronie, in £1000, and for Robert Bard, Williame Wobster, and Johnne Welsche in Kyngorme in 200 merks each, not to harm Mr. Androw Arbuthnot, apparent of Little Futhace, conform to the King's letters dated 22nd July. Mr. Johnne Dempster registers the band, subscribed at Allardes, 23rd October, before Mr. Johnne Fowlartoun, sheriff clerk of Kincairdin, George Sinclair in Allardes, James Symsoun and James Neilsoun, notaries public,—the said Neilsoun, writer hereof, subscribing for Andro Gray. Fol. 169, b.

Bailies and Council of Dumfries.

Eduard Maxuell of Tinwall, in £1000, for the bailies, council, and persons having vote in the election of the magistrates of Drumfreis for the year to come, that they will elect Robert McBrair of Almegill to be their provost for the year to come, conform to the King's letters executed against them, and will pay £1000 for their escheats within 60 days hereof, or else obtain nullity of the horning used against them for not electing the said Robert to be their provost. Fol. 170, a.

Edinburgh, 28th October. John Allan.

Gabriel Listoun, citizen of Glasgu, for Johnne Allane, maltman, burgess there, in £500, not to harm Walter Bowy, elder, burgess there, Williame and Waltir Bowyis, his sons, and Johnne Temple, younger, burgess there.

Robert Wylie.

Williame Pringle, litster, burgess of Edinburgh, for Robert Wylie in Flooksyde, in 500 merks, not to harm Robert Shaw of Foulsheillis. Fol. 170, b.

Edinburgh, 29th October. Lord Newbattle.

Thomas Meget of Mestertoun for Mark, Lord of Newbottle, in £1000, not to harm Williame and George Harrettis, portioners of Wester Coittis.

David Borthwick and others.

David Borthuik, chamberlain to Mark, Lord of Newbottle, as principal, and Thomas Meggat of Muretoun, as surety, and said Thomas, as principal, and David, as surety, either of them in 500 merks, and said Thomas for Williame, Thomas and George Meggattis, his sons, in 300 merks each, to the effect foresaid. Fol. 171, a.

James Innes.

Williame Innes of Calrossie for James Innes, apparent of Innerbraky, 2000 merks, not to harm Henry Corbet, son of James Corbet, portioner of Arkboll. Mr. George Tod registers the band, being subscribed at Tayne, 22nd October, before Williame Innes, portioner of Midgany, Finla Faid, younger in Tayne, Andro Fraser, writer hereof, and Williame Fraser, notary public,—the last subscribing for James Innes. Fol. 171, b.

Edinburgh, 3rd Nov.

James Hendirsoun of Easter Coittis, as principal, and Henry Sinclair of Quhytkirk, as surety, in 500 merks, and said James and Henry for

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Williame Douglas, servant to the said James, in 300 merks, not to harm Williame and George Harrettis. James Henderson and his servant.

ol. 172, a.

Patrik Hamilton in Edinburgh, as principal, and Johnne Browne of Inglistoun, as surety, in 500 merks, not to harm Andro Reid of Auchinteuche. Patrik Hamilton.

Patrik Dunbar of Conzie for the bailies, council, community and inhabitants of Elgin, in 3000 merks, not to harm Robert Innes of that Ilk, and Robert Innes, his son and apparent heir. The bailies and council of Elgin.

ol. 172, b.

Johnne Cheyne of Pitphythie for Williame Forbes of Monimusk, in 1000 merks, not to slay salmon fish in forbidden time on the Die or Don, conform to the King's letters dated at Edinburgh 30th October 1589. Band, registered by Mr. Alexander Pebbillis, is subscribed at Munimusk, September, before Williame Garich, Alexander Forbes, and Mr. Alexander Forbes,—Mr. Thomas Andersoun being writer hereof. Forbes of Monymusk.

David Wode of Thanistoun for Alexander Cuming of Culter, in 500 merks, not to slay salmon fish in the Die or Don in forbidden time, conform to the charge given to him, at the instance of the provost and bailies of Abirdene, dated at Edinburgh 30th October 1598. Mr. James Donaldsoun registers the band, subscribed at Fettircarne, 10th October, before Johnne Mylne (Myll), notary, writer hereof, and Johnne Mylne. Alexander Cumming of Culter.

ol. 173, a.

Johnne Grant of Tomalene, brother of Patrik Grant of Bellendallach, for Williame Hay of Mayn, 1000 merks, not to harm Robert Innes of that Ilk, Alexander Innes of Coittis, Johnne Innes, son of the late Williame (? Walter) Innes in Unthank, and William Innes of Blakhillis. The band, registered by Mr. Alexander Peblis, is subscribed at Elgin, 2nd November, before Mr. Alexander Raustoun (Rauson), minister at Spynie, writer hereof, Robert Moresoun in Ballendellache, and Thomas Roy of the Kirktoun of Innerbaven. Edinburgh, 9th Nov. Hay of Mayne.

Alexander Annand of Murestoun for James Douglas, burgess of Elgin, in 1000 merks, Mr. Alexander Douglas, minister at Elgin, in 500 merks, George Douglas, minister at Dollas, in 500 merks, Mr. Gawin and Archibald Douglassis, their brothers, in 300 merks each, to the effect foresaid. Band registered as above and subscribed at Elgin, 1st November, before William Hardie, burgess of Elgin, Tyberius Wynchester, burgess there, and Alexander Lyntoun, servitor to the said Mr. Alexander,—James Douglas abovewritten being writer hereof. James Douglas and others.

ol. 174, a.

George Gordoun of Glascoforest for Alexander Burnet of Leyis, that neither he nor his tenants, dwelling on the rivers of Die and Done, shall slay or destroy salmon fish, red fish, smolts or any other kind of fry in forbidden time, under the pains in the Acts of Parliament. Edinburgh, 10th Nov. Burnet of Leys.

Daniell Philip, "walker," burgess of Edinburgh, as principal, and Thomas Hill, Leonard Philip, Patrik Cumyng and Williame Mosie, "walkeris," burgesses of Edinburgh, as sureties in £500; said Thomas Hill, as principal, and the said Daniell Philip and the sureties abovewritten, as cautioners, in the same sum; said Leonard Philip, as principal, and said Daniell, Thomas, Patrik and Williame, as sureties, in 300 merks; said Patrik Edinburgh, 12th Nov. Daniel Phillip and others.

Cumyng, as principal, and said Daniell, Thomas, Leonard and Williame, as sureties in the same sum; and said Williame Mosie, as principal, and the said Daniell, Thomas, Leonard and Patrik, as sureties for him also in the same sum:—not to harm Hew Forest at the Gairdweltrie, and Johnne, Williame, Alexander and Patrik Forestis, his sons. Acta Caut. 1597–1600. Fol. 174, b

Edinburgh, 13th Nov. Herbert Maxwell.

Williame Maxuell of Cruvestanis for Harbert Maxuell in Staicheuche, in 300 merks, not to harm Harbert M^cKie, burgess of Drumfreis.

Edinburgh, 14th Nov. Andrew Purdy.

James Lokhart, apparent of Ley, for Andro Purdy in West Forth, to be answerable at the instance of Jedeone Weir, messenger, and George Gledstanis, eldest lawful son of the late Johnne Gledstanis, Ormond pursuivant, for the alleged deforcing of the said Jedeone in the execution of the letters of pounding raised at the instance of the said George against Thomas Vernor of Auchindone. Fol. 175, a

Edinburgh, 16th Nov. Alexander Dunbar and Mr. Samuel Falconer.

Andro Meldrum of Rothiebirsbane for Alexander Dunbar in Lochhillis, and Williame Dawsoun, portioner of Hemprigis, for Mr. Samuel Falcouner in Ar, either of them in £500, not to reset or intercommune with James Tulloch and his colleagues (*ante*, p. 627), who are at the horn for the slaughter of William Douglas.

Edinburgh, 17th Nov. William Christison.

Williame Crystiesoun in Bellismill, as principal, and Williame Broun, "walker," burgess of Edinburgh, as surety for him, in 300 merks, not to harm Hew Forrest and his sons abovewritten. Fol. 175, b

Hay of Mayne.

Johnne Grant of Cardeillis for Williame Hay of Mayne, in 1000 merks, not to harm James Innes of that Ilk, Robert Innes of Innermarky, Alexander Innes of Cokstoun, Mr. Johnne Innes of Haltoun, Alexander Innes of Coittis, James Innes in Minany, Williame Innes of Blakhillis, Johnne Innes, son of the late Williame Innes in Unthank, and Johnne Innes of Auchluncart. Band, registered by Mr. Alexander Peblis, advocate, is subscribed at Elgin and Johones, 11th November, before Thomas Roy in Innerabein, Johnne M^cWilliame, Johnne Grant of Tolmaben, Mr. Alexander Rawsoun, minister at Spynie, and James Dumbar, burgess of Elgin. Fol. 176, a

James Douglas and others.

Robert Leslie of Abirlour for James Douglas, burgess of Elgin, and his colleagues abovewritten, under the pains there specified (*ante*, p. 629), not to harm Robert Innes of that Ilk and his associates foresaid (*supra*). Band, registered as above, is subscribed at Elgin, 12th November, before Mr. James Gairdin, bailie in Elgin, Tiberius Winchester, burgess there, James Andersoun, burgess there, and George Cuming, burgess there, notary public. Fol. 176, b

Edinburgh, 19th Nov. Robert Moutray.

Hary Gordoun of Dalspro for Robert Mowtray of Govill to the provost and bailies of Aberdene, in 500 merks, not to slay salmon fish in forbidden time on the Die or Done,—James Hervie, advocate, registering the band, subscribed at Aberdene, 6th November, before Mr. Robert Paip, advocate, Adame Gordoun, servitor to the said Hary, and Mr. Johnne Leith and George Merser, notaries public,—Mr. Williame Chalmer, notary public in Aberdene, being writer hereof. Fol. 177, a

Gordon of Dalspro.

Robert Mowtray of Govill for Hary Gordoun of Dalspro, in 500 merks, to the effect foresaid. Band, registered, subscribed and witnessed as Fol. 177, b

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above,—the said Mr. Johnne Leyth, notary public, being witness and also writer hereof.

Sir Johnne Murray of Tullibardin for Patrik, Lord Glammis, in 10,000 merks, to depart abroad by 1st June next, and, within 60 days after his return to this realm, either to pursue David, Earl of Crawforde, criminally before the Justice for the slaughter of the Lord Glammis, or then submit the feud standing between them to neutral friends to be chosen by them. Holyrood-house, 21st November. The Lord of Glammis.

Williame Weir of Auchtifardell, as principal, and Thomas Weir of Kirktoun, as surety for him, in 2000 merks, not to harm Mr. James Durhame of Duntarvie. Edinburgh, 24th Nov. William Weir.

Fol. 178, a.

Drummond, apparent of Medop, for Williame Hunter, bailie of Culrois, in 200 merks, not to harm Robert Cuming, son of Henry Cuming in Barhill. Edinburgh, 27th Nov. William Hunter.

Johnne Nudrie, burgess of Culrois, and Williame Hunter, burgess there, for Petir Hunter, tailor, burgess of Culrois, in 200 merks, to the effect foresaid. Peter Hunter.

Fol. 178, b.

Thomas Masone and Mathew Masone, masons, burgesses of Culrois, for David Rowane, in 400 merks, and James Henry and James Tailliour, tailors, burgesses there, either of them in 200 merks, also to the effect foresaid. Tailors of Culross.

Johnne, Earl of Cassillis, as principal, and Niniane Adair of Kinhilt, as surety, £5000, not to harm Johnne Kennedy of Baltersane. Edinburgh, 28th Nov. Earl of Cassillis.

Fol. 179, a.

Johnne, Lord Forbes, for Johnne Forbes of Tullikery, in 1000 merks, not to harm Patrik Leslie of Kincragy, and George Leslie, his son and apparent heir. Edinburgh, 1st December. John Forbes.

Fol. 179, b.

Alexander Gordoun of Lesmoir, as principal, and Andro Meldrum of Rothiebirsbane, as surety, in 2000 merks; James Creychtoun of Auchingoule, as principal, and the said Andro, as surety, in £1000; and George Gordoun, son of the said Alexander, as principal, and the said Andro, as surety, £500,—not to harm Johnne Creychtoun of Innernytie. Gordon of Lesmore and others.

Robert Richartsoun of Clonnay for Mathow Stewart of Dunduff, in 1000 merks, not to reset or intercommune with Hew Kennedy of Girvenmanis and his colleagues foresaid put to the horn for the slaughter of Andro M°Alexander of Drummachryne (*ante* p. 624). Band, registered by Cornelius Tennent, advocate, is subscribed at Air, 24th October, before Gilbert Richart in Drumbane, brother of the said Robert, Patrik Harper, servitor to the said Mathow, Johnne Masone, notary public, common clerk of Air, and George Masone, his son, writer hereof. Matthew Stewart of Dunduff.

Fol. 180, a.

Johnne Irwing of Kincowsie for Alexander Irwing of Drum, in 500 merks, not to slay any salmon fish in forbidden time on the Die or Done, conform to the letters raised by the provost and bailies of Aberdene. Band, registered by Mr. James Donaldsone, advocate, is subscribed at Drum, 27th November, before Gilbert Cheyne of Tillibureis, Johnne Irwing in Sonysyde, Robert Ros, servitor to the said Laird of Drum, and Mr. Gilbert Ros, burgess of Aberdene, notary public. Edinburgh, 4th December. Irvine of Drum.

Fol. 180, b.

Fol. 181, b.

Alexander Hunter, merchant, burgess of Edinburgh, as principal, and

Holyrood-house, 6th December. Alexander Hunter.

Hew Broun, younger, also merchant and burgess there, as surety, to enter in ward in Edinburgh Castle by Monday next, 10th instant at 12 o'clock, under the pain of payment of the whole sums of money for which he is denounced at the instance of David Brysone, macer, and Katherine Stewart, his spouse. Acta Caut. 1597–1600.

Edinburgh, 7th December. George Small.

George Spalding of Milhauch for George Small of Fodrance, in £500 on being relieved of his present ward in Edinburgh Castle to repair immediately to the burgh of Edinburgh and keep ward there till freed. Fol. 180, b.

Edinburgh, 9th December. Colonel Boyd and others.

Colonel David Boyde of Tourgill, as principal, and Johnne Wallace of Carnell and David Foullartoun, brother of the Laird of Dreghorne, as sureties; said Wallace, as principal, and said Colonel and David, as sureties; and said David, as principal, and said Colonel and Wallace, as sureties,—not to harm Johnne Turnour in Struther, Johnne Cruikis in Cruikismyln, Robert Harper in Cruikitholme, Margaret Boyde and Jonet Miller, widows in Brigend, under the pains in the letters raised to that effect. Fol. 181, a.

Crichton of Innernytie.

Johnne Creychtoun of Innernytie, as principal, and Sir Robert Creychtoun of Cluny, as surety, in 2000 merks, not to harm James Creychtoun of Auchingoule, George Creychtoun, his brother, Alexander Gordoun of Lesmoir, and George Gordoun, his son.

Edinburgh, 11th Dec. John Ranald.

Johnne Rannald of Strabrok, as principal, and Alexander Guidlatt, portioner of Strabrok, as surety, in £100, to answer upon 27th December instant before the King and his Council to a complaint made against him by Johnne Dundas of Newlistoun. Fol. 181, b.

Edinburgh, 15th Dec. David Fairly.

Adame Fairlie of Bog for David Fairly, son of the late Johnne Fairly of Over Mynoik, in £1000, not to harm Johnne Crawfurd of Kilbirny. Band, registered by Mr. Thomas Gray, advocate, is subscribed at Rothesay, 10th November, before Johnne Stewart, sheriff of Bute, Mr. Robert Stewart, minister at the kirk of Rothesay, Donald M°Gilchrist, and Thomas Stewart, notary. Fol. 182, a.

Arthur Gairden and John Collison.

Arthour Gairdin of Banchory for Johnne Collisone of Auchlunes, *et vice versa*, each of them in 500 merks, not to slay any salmon fish in forbidden time on the Die or Done, as charged by the magistrates of Aberdene. Band, registered by James Hervy, advocate, is subscribed at Auchloneis, 25th November, before Mr. Robert Merser, parson of Banchrie, Alexander Howie and Johnne Stevin, servitors to said Colisone. Fol. 182, b.

Edinburgh, 21st Dec. Henry Dick.

Henry Dick in Lumfynninis, as principal, and Henry Orrok of that Ilk and Henry Dick of Carthmoir, as sureties, in 500 merks, not to harm Patrik Halkheid.

Mr. David Home.

James Pringle of Quhitebank for Mr. David Home, brother of Sir George Home of Wedderburne, £1000, not to harm Williame Home of Swounwode. Fol. 183, a.

John Mure.

Johnne Mure of Auchindrane, as principal, and Thomas M°Alexander of Craigdow, as surety, in 1000 merks, not to reset or intercommune with Hew Kennedy of Garvanmaynis and his colleagues foresaid, denounced for the slaughter of Andro M°Alexander (*ante*, p. 624).

Andro Gray of Kingorny for Johnne Allardes, younger of that Ilk, in 2000 Fol. 183, b.

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merks, not to harm Barbara Forbes, Lady Pitcurie, and Alexander Hay of Delgattie, conform to the letters raised against him dated at Edinburgh 23rd July last. Band, registered by Mr. Richart Spens, is subscribed at Innerbervy, 30th November, before Thomas Allardes, brother of the said Johnne, Andro Burnett in Bankheid, Archibald Chaip in Innerbervie, Robert Lepar there, James Coultis there, and Robert and James Neilsonis, notaries public,—the last being writer hereof and subscribing for Gray. Edinburgh, 22nd Dec. Allardice of that Ilk.

Fol. 184, a.

James Innes, apparent of Innerbraky, and Francis Irwing of Wodheid for Walter Innes of Innerbraky, 2000 merks, not to harm Andro Monro of Caucraig,—Mr. George Tod, notary public, subscribing for James Innes. Edinburgh, 24th Dec. Walter Innes.

Fol. 184, b.

His Majesty having been pleased to direct his warrant to Adame Mathiesoun, herald, to deliver to James Weymis of Bogy the place and fortalice of Dunbog, the said James now obliges himself in £1000 that David Betoun, apparent of Creich, rebel, or any of his accomplices underwritten,—viz., Johnne Arnote, younger of Wodmyln, Daniell, his servant, Johnne Betoun, son of the archdeacon of Lowthiane, Henry Betoun, brother of the late Johnne Betoun of Pitlochie, Andro Betoun, son of the Laird of Balfour, , servants to the Laird of Balfour, Mr. Robert Orme, servitor to David Betoun of Creich, Francis Orme, his brother, servant to the Laird of Reres, Johnne Galloway, servant to the Laird of Cambo, elder, David Mortoun, servand to the Laird of Reres, Patrik and Andro Clapenis, brothers of the Laird of Carslogie, Walter Duncane, son of David Duncane in Johnnestoun, , servant to George Barone of Kynnaird, and Alexander Thomesoun, servant to the Laird of Barnis,—shall not be resetted in the said place during the said David's rebellion. Band, registered by Mr. Thomas Pollok, advocate, is subscribed at Bogie, 22nd December, before David Kynnynmonth, Johnne Oudny and Thomas Bruntfeild. Wemyss of Bogy.

David Borthuik, chamberlain to the Lord of Newbotle, for Thomas Trustie, burgess of Drumfreis, in 500 merks, not to harm James M^cKie, son of Harbert M^cKie, burgess of Drumfreis, Daniell Richie at Cargane Brig, William Strugeoun there, Robert Wallace in Troquer, Robert Maxuell, brother of Charlis Maxuell in Conhaith, Gilbert Greir in Nether Keir, James Porter, elder, there, James Porter, his son, Gilbert Porter there, Thomas Hunter in Tounheid, Johnne Hunter there, and Williame Bek in Troqueir. Thomas Trusty.

Fol. 185, a

Hary Steuart of Cragyhall for Andro, Lord Steuart of Uchiltrie, in 5000 merks, not to quarrel, trouble or invade, for the hurting of Kennedy, apparent of Blaquhan, committed on instant, any of the lieges who are innocent of that deed. Edinburgh, 25th Dec. Lord Ochiltree.

Alexander Lawder of Haltoun for Thomas Lawder, son of Elizabeth Lawder, relict of Gilbert Lawder of Quhitsleid, in 1000 merks, not to harm Williame Lawder of Quhitsleid. Thomas Lauder.

Fol. 185, b.

Robert Semple of Fulwod for Johnne Wode of Mildeving (Geilstoun), in £1000, not to harm Awla M^cCaula of Ardincaple and Andro M^cCawlay in Kirkmichaell; and the said Robert, as cautioner, obliges himself to pay such Edinburgh, 26th Dec. Wood of Mildevin.

sums of money as shall be modified by the Lords of Council for the escheat of the said Johnne if any shall happen to belong to the Treasurer. Band, registered by Mr. Thomas Craig, advocate, is subscribed at Dumbartane, 18th December, before Williame Semple, servitor to the said Robert, Arthour M^cArthour, servitor to the said Wode, Allaster M^cKesik, servitor to Johnne Smollat, elder, burgess of Dumbartane, and Patrik Mosman, sheriff clerk of Dumbartane, writer hereof. Acta Caut. 1597–1600. Fol. 186, a.

Edinburgh, 27th Dec. Lauder of Whitslaid.

Williame Lawder of Quhitsled, as principal, and Mr. Alexander Hamiltoun of Drumcors, as surety, in £1000, not to harm Elizabeth Lawder, relict of Gilbert Lawder of Quhitsled, and Thomas Lawder, her son. Band, registered by Johnne Haliday, advocate, is subscribed at Edinburgh and 22nd and December, before Gilbert Hering, servitor to the said Williame, Alexander Wylie, and William Ruthven, writer hereof, servitors to James Prymrois, Clerk of Council, Adame Scharpe, and Richard Ces. Fol. 186, b.

Edinburgh, 3rd Jan. 1600. Irvine of Beltie.

Mr. Gilbert Ros, burgess of Abirdene, for Williame Irwing of Beltie, in 500 merks, not to slay any salmon fish in forbidden time on the Dee or Done, conform to the letters executed against him at the instance of the provost, bailies and council of Abirdene—Mr. George Fraser becoming surety in relief.

Edinburgh, 5th January. Archibald and Thomas Walker.

Archibald Walker in Drumlethy, and Thomas Walker, his brother, for themselves and other persons contained in the letters of lawburrows raised by them against Johnne Strauchanes, younger and elder of Dullyvairdis, have discharged and presently renounce the said letters and all penalties therein specified, obliging themselves and their heirs never to pursue the said persons, or Johnne Andirsoun, their cautioner, by virtue of the said letters. The band, registered by Mr. Olipher Colt, advocate, is subscribed at Dullivairdis, 30th October last, before Mr. James Douglas, parson of Glenbervey, Mr. Adame Walker, minister at Fordowne, Robert Neilsoun and James Auchinlek, notaries public,—the said notaries subscribing for Archibald Walker. Fol. 187, a.

Crauford of Welstoun.

Robert Boyd of Badinhaith for Johnne Craufurd of Welstoun, in 500 merks, not to reset or intercommune with Thomas and Adame Boydis, sons of Thomas, Lord Boyde, Andro Boyd, son of Quintene Boyde in Galloway, Johnne Galbraith and Johnne M^cGibsie, their servants, Johnne Creukis in Cruikistoun, Jonet Miller, relict of James Hairper in Kilmernok, Stewin Hairper, her son, Adame Aslois, younger of that Ilk, Robert Aslois in Little Dene, Robert Harper in Cruikitholme, Jonet Fergussill, widow, and Johnne Turnour, in Struther, rebels and at the horn for certain causes contained in the letters executed against them for finding of this caution, dated 12th December last.

Edinburgh, 10th January. John Crooks.

Robert Boyde of Badinheth for Johnne Cruikis in Cruikismylne, in 500 merks, not to reset or intercommune with the first five rebels above-written; also, not to harm David Fullartoun, brother of the Laird of Dreghorne, Colonel David Boyde of Tourgill, and Johnne Wallace of Carnell, under the pain of £500. Fol. 187, b.

Acta Caut. 1597–1600.

Williame Weir of Auchtifardill for Johnne Weir of Stobrig, his son, in 1000 merks, not to harm Mr. James Durhame of Duntarvie. Edinburgh, 14th January. John Weir.

Fol. 188, a.

Robert Boyde of Badinhaith, as principal, and James Hammiltoun of Libbertoun, as surety, in £1000, not to reset or intercommune with the said Thomas and Adame, sons of Thomas, Lord Boyde, and their colleagues abovewritten (*ante*, p. 634). Boyd of Badinheth.

Donald Campbell of Dronghie for his sons, Johnne Campbell, in £1000, and Robert Campbell, in 1000 merks, not to harm Ludovick, Duke of Lennox. Edinburgh, 15th January. John and Robert Campbell.

Fol. 188, b.

Alexander Hammiltoun of Beirfurd for Williame Strauchane, messenger, in 200 merks, to answer on 31st December instant before the King and his Council to a complaint made against him by Andro Meldrum of Rothiebirsbane. William Strachan.

Claude Hammiltoun of Cochno for Donald Campbell of Dronghie, in £1000, not to harm Ludovik, Duke of Lennox. Band, registered by the parties, is subscribed at Edinburgh, 15th January, before Patrik Tailfeir, servant to the said Claud, George M^cGleische, minister at Rosneth, and James Prymrois, writer hereof. Campbell of Dronghie.

Fol. 189, a.

Johnne Chalmer of Sandiefurde for Williame Forgy in Fordintentart, in 300 merks, not to harm Johnne Grahame of Knokdoliane. Edinburgh, 19th January. William Forgy.

Walter Wode of Fettircairne for Patrik Thomesoun in Cowfurde, not to harm Alexander Strauchane, apparent of Glenkindie, under the pains in the letters. Edinburgh, 21st January. Patrick Thomson.

Fol. 189, b.

Williame Strauchane, messenger, as principal, and Johnne Strauchane, portioner of the Eistpres, as surety, to pay £10 for his escheat within 40 days hereof, or else obtain a deree of nullity of the horning against him for not answering a complaint by Andro Meldrum of Rothiebirsbane. William Strachan.

Johnne Abercrombie in Leyth, as principal, and Robert Donnaldsone in the Cannogait, as surety, in £40, not to harm Johnne Boncle, "merl-maker" in Leyth. Edinburgh, 23rd January. John Abercrombie.

Fol. 190, a.

Johnne Leslie of Dandaleych for Mr. Alexander Douglas, minister at Elgin, and George Douglas, minister at Dolles, either of them in 500 merks, for Mr. Gawin and Archibald, their brothers, in 300 merks each, and for James Douglas, burgess of Elgin, in 1000 merks, not to harm James Innes of that Ilk and his colleagues foresaid (*ante*, p. 630). Band, registered by Mr. Patrik Forest, is subscribed at Elgin, 15th January, before James Law, burgess there, Duncane Leslie, son of James Leslie, burgess there, Tiberius Winchester, burgess there, and Alexander Lyntoun, writer hereof. Edinburgh, 29th January. Mr. Alexander Douglas and others.

Fol. 190, b.

Williame Stewart, younger of Halrig, for James Chalmeris of Gaitgirth, Johnne Chalmer, his son, and Johnne Gordoun of Troquhen, not to reset or intercommune with Johnne Gordoun, younger of Airdis, and Andro M^cMillane in Palschasky, conform to the letters dated at Edinburgh 19th December 1599, and according to the charge given to them by James Gibsone, messenger, at the instance of Andro, Lord Stewart of Uchiltrie, under the pains in the letters raised to that effect. Band, registered by James Hervy, advocate, is subscribed at Sanctjohnne's Kirk of Dalry, Edinburgh, 1st February. James Chalmers and others.

28th January, before Robert Wallace, younger of Barneveill, and Hew Ile and William Gordoun, his servants. Acta Caut. 1597–1600.

George and Robert Gordon.

Sir Johnne Gordoun of Lochinvar for George Gordoun in Mekle Auchrae and Robert Gordoun in Kirk Gray, to the effect foresaid. Band, registered by Mr. Robert Lyntoun, advocate, is subscribed at Kenmore, 28th January, before Johnne Chalmeris, apparent of Gaitgirth, Robert Maxuell of Nether Reddik, Andro Roriesoun of Bardannoch, and George Redik, notary public, writer hereof. Fol. 191, a.

Edinburgh, 2nd February. Hamilton of Cochno.

Claud Hammiltoun of Cochno having become surety for Donald Campbell of Dronghie and Johnne Campbell, his son and apparent heir, for the indemnity of Ludovick, Duke of Lennox, at their hands, the said Donald and Johnne bind and oblige themselves that the said Claud shall be harmless in the premisses. Mr. Johnne M^cGill, advocate, registers the band, subscribed at Dumbartane, 16th January, before George Maikleis (M^cGleische), minister at Rosnaith, and Duncane Campbell of Carrik. Fol. 191, b.

Edinburgh, 4th February. James Johnston and Bernard Lindsay.

Barnard Lindsay in Grange, in £500, and James Johnnestoun of Westraw, 1000 merks, as principals, and Johnne Lindsay of Covingtoun, as surety, not to harm James Hammiltoun of Libbertoun.

Edinburgh, 8th February. John Forbes.

Johnne Forbes *alias* Miller in Inuernes, as principal, and Mr. Rannald Bane in Edinburgh, as surety, to pay £20 for his escheat, or else obtain nullity of the horning used agianst him for not answering a complaint against him by Johnne Dumbar of Avach and Donald Reid, his servant. Fol. 192, a.

Edinburgh, 11th February. Archibald Douglas.

Thomas Galbraith, servitor to the Abbot of Lundoris, for Archibald Douglas, messenger, in £40, to answer before the King and his Council on the 14th instant to a complaint made against him by Andro Meldrum of Rothiebirsbane; also, to pay £20 for his escheat, or else obtain nullity of the horning against him for not appearing to answer to this complaint. Fol. 192, b.

Edinburgh, 12th February. Inhabitants of Dumfries.

Homer Maxuell, commissary of Drumfreis, Williame Schortrig, burgess there, and James Coupland, merchant, burgess there, for Roger Kirkpatrik, Johnne Corsane and James Newall, bailies of Drumfreis, Harbert Diksoun, Adam Walker, Johnne Mershael, Johnne Fleming, Thomas Maxuell, Johnne Crokat, all burgesses of Drumfreis, in 500 merks each, to appear when charged before the warden of the West March and underlie the laws for coming to the prison house of Drumfreis upon 24th January last and releasing Johnne Kirkpatrik of Knowheid, a common thief, warded within the said prison by direction of the Lieutenant at the instance of Williame Greirsoun of Lag for certain thefts committed upon him,—the said bailies at least for suffering the said Johnne to be taken furth of the said prison by collusion between them. Fol. 193, a.

Homer Maxuell and James Coupland abovewritten, as principals, and Williame Schortrig, burgess of Drumfreis, as surety, either of them in 500 merks, to the effect foresaid.

Said Homer, Schortrig and Coupland for Daniell Kirkpatrik, saddler, burgess of Drumfreis, Williame Johnnestoun, merchant, burgess there, and Johnne Johnneston, called Little Johnne, there, also to the effect foresaid. Fol. 193, b.

Quintin MacAdam.

Johnne M^cAdame, burgess of Edinburgh, for Quintene M^cAdam of

Acta Caut. 1597–1600.

Smetoun, £500, not to reset or intercommune with Johnne Gordoun in Erlistoun and Andro M^cMillane in Palchesky, rebels, conform to the charge given at the instance of Andro, Lord Stewart of Uchiltrie.

George Small of Fotherance for Sir Johnne Ogilvy of the Craig, in 2000 merks, not to harm James Blair of Brustoun. Ogilvy of Craig.

Williame Someruill in the Puill, as principal, and Thomas Inglis of Eistscheillis, as surety, in £500, not to harm Sir James Hammiltoun of Libbertoun. Edinburgh, 14th February. William Somerville.

Fol. 194, a.

David Ogilvy of Neidis, as principal, and Archibald Ogilvie of Kelour, as surety, in 300 merks, to answer upon 19th instant before the King and his Council touching his alleged bearing of hagbuts and pistolets at divers times, contrary to the Acts of Parliament. David Ogilvy.

James Someruill of Cambusnethaine for James Someruill in Carswall, and James and Johnne, his sons, in £500 each, not to harm Sir James Hammiltoun of Libbertoun. Edinburgh, 16th February. James Somerville and his sons.

Fol. 194, b.

James Someruill of Murehall, as principal, and Robert Tuedy of Blakcastell, as surety, in £500, to the effect foresaid. James Somerville.

Williame Sinclair of Rosline, as principal, and Mathew Finlasoun, of Killeith, and Olipher Sincler of Ravynisnuke, as sureties, in 3000 merks, not to harm Williame Borthuik, tutor of Borthuik. Edinburgh, 19th February. Sinclair of Roslin.

Fol. 195, a.

Williame Borthuik, tutor of Borthuik, as principall, and Johnne Borthuik of Glengilt and Thomas Lyell, apparent of Murthill, as sureties, in 3000 merks, not to harm Williame Sinclair of Rosling. Tutor of Borthwick.

Mr. Hector Monro of Foulis having become surety for Lauchlane M^cIntosche of Dunnauchtane that he and those for whom he is answerable shall keep the King's peace, under the pain of 5000 merks, and that he and they shall redress all "attemptatis" to be committed by them in time

Fol. 195, b.

coming, for the said Mr. Hector's relief Johnne Grant of Freuchy and Williame Innes of Calrossie oblige themselves to keep him skaithless of his said caution, each of them under the pain of 2500 merks; and, if by their default of relief the said Mr. Hector be urged to seek execution hereupon, Grant and Innes oblige themselves to pay to him the sum of 300 merks as liquidate pains. Band, registered by Mr. Alexander Peblis,

Fol. 196, a.

advocate, is subscribed at the Chanonry of Ros, 12th April 1595, before Patrik Grant of Rothermercus, Angus M^cIntosche of Termet, Gilbert Gray of Suerdill, Johnne Monro, notary public, and Williame Thomesoun. Munro of Foulis.

Archibald Ogilvy of Kelour for James, Master of Ogilvy, in 3000 merks, and for Mr. David and George Ogilvyis, his brothers, either of them in £1000, not to harm James Blair of Brustoun. Master of Ogilvy and his brothers.

Williame Craufurde of Leifnoreis, as principal, and Johnne Dalrumpill of Stair, as surety, in £2000, and said Williame and Johnne for George Craufurd, brother of the said Williame, in 1000 merks, not to harm Allane Cathcart of Watterheid. Edinburgh, 23rd February. William Crawford and his brother.

Fol. 196, b.

David Lindsay, apparent of Vane, as principal, and George Campbell of Crunane, as surety, 1000 merks, not to harm Johnne Carnegie in Ferne. Edinburgh, 25th February. David Lindsay.

Johnne Symontoun, apparent of that Ilk, for Williame Douglas of

Edinburgh, 28th February. William Douglas.

Erlismiln, in £1000, not to harm George Dunbar in Aslek, heritable officer of the east shire of the earldom of Murray,—Hew Douglas, son and apparent heir of the said Williame, becoming surety in relief. Acta Caut. 1597–1600. Fol. 197, a.

Edinburgh, 1st March. Edmiston of that Ilk.

Alexander Cokburne of Wodheid for Andro Edmestoun of that Ilk, in £1000, not to harm Williame Wauchop, brother of the late Archibald Wauchop of Nudrie.

Edinburgh, 5th March. William Blair.

George Foullartoun, fiar of Dynnune, for Williame Blair of Bagillo, in 1000 merks, not to harm James Blair of Brustoun. Fol. 197, b.

Edinburgh, 7th March. William Thomson.

Alexander Urquhart, burgess in the Chanonry of Ros, for Williame Thomesoun, burgess of Rosmerky, 1000 merks, not to harm Robert Leslie in the Chanonry of Ros, or his son Johnne Lesly. Band, registered by Mr. Alexander Levingstoun, advocate, is subscribed at the Chanonry of Ros, 26th February, before Robert Grahame, archdeacon of Ros, Mr. Thomas Urquhart, minister at Ardirser, writer hereof, and Alexander Nicolsoun, notary public. Fol. 198, a.

Mr. Thomas Urquhart.

Williame Thomesoun, burgess of Rosmerkie, for Mr. Thomas Urquhart, minister at Ardirseir, in 1000 merks, to the effect foresaid,—the band being registered and subscribed as above before the said Robert Grahame, Alexander Urquhart, burgess in the Chanonry, and the said Alexander Nicolsoun. Fol. 198, b.

Alexander Urquhart.

Said Williame Thomesoun for Alexander Urquhart, burgess in the Chanonry, in £500, also to the effect foresaid. Subscribed as above before the said Grahame, Mr. Thomas Urquhart, and Alexander Nicolsoun. Fol. 199, a.

Carruthers. Abraham

Johnne Levingstoun of Donypace for Abrahame Carrutheris, sone of Simone Carrutheris in Ramerskeullis, not to harm Henry Fergus, merchant, burgess of Edinburgh, under the pain in the letters to that effect. Band, registered by Johnne Haliday, is subscribed at Haliruidhous, 13th February, in presence of Patrick Levingstoun, Alane Levingstoun, Mr. Alexander Levingstoun, and Mr. Alexander Chepne,—Robert Newlandis being writer of the obligation. Fol. 199, b.

Livingston of Donypace.

Abrahame Carrutheris, son of Simone Carrutheris in Rammerskaillis, binds and obliges himself to relieve the said Johnne Levingstoun, his cautioner, of the said obligation.

Edinburgh, 8th March. Mr. James Stewart and his brother.

Robert Merschell of Pitcairnis for Mr. James Stewart, commissary of Dunkeld, and Hew Stewart, his brother, either of them in £500, not to harm Margaret Carwode, relict of Johnne Stewart of Tullipowreis. Fol. 197, b.

Edinburgh, 10th March. Gilbert Menzies.

Gilbert Menzeis of Pitfoddellis, as principal, and Johnne Irwing of Kincowsie, as surety, in 500 merks, not to slay any salmon fish in forbidden time on the Die or Done, conform to the charge given to him at the instance of the provost and bailies of Aberdene. Band, registered by James Hervie, advocate, is subscribed at Maryculter, 4th March, before Mr. James Cargill, Mr. James Irwing, Andro Menzeis, the said Gilbert's servant, and Williame Wallace, vicar of Peterculter. Fol. 199, b. Fol. 200, a.

John Irvine.

Johnne Irwing of Kincowsie, as principal, and Gilbert Menzeis of Pitfoddellis, as surety for him, to the effect foresaid. Band registered as above and subscribed in presence of Mr. James Cargill, Johnne Hervie, Andro Menzeis, and the said Williame Wallace.

Acta Caut. 1597–1600. Fol. 200, b.

Sir Johnne Murray of Tullibardin for Allaster M'Gregour of Glenstrae, that he will remain in the said Sir Johnne's company to the 27th instant, and on that day either enter before the King and his Council three of the pledges delivered to him in ticket to be kept for the good rule of such of the Clan Gregour as the said Allaster has taken upon himself, or, by the law shall be held, to answer for. Failing thereof, Sir Johnne is to enter Allaster to be taken order with for the quietness of the country, under the pain of 10,000 merks, and further under the pain to be answerable for all the reifs and oppressions committed by any of the Clan M'Gregour between 2nd August last and 6th March next, or to be committed after the said day by such of them as the said Allaster has taken upon himself, or, by the law shall be held, to answer for. Holyrood, house, 11th March. MacGregor.

Johnne Arbuithnet of Cairnegaw for Patrik Johnnestoun in Haltoun, in 500 merks, to answer on the 20th May next before the King and his Council touching the "invasioun" of Sir Johnne Lindsay of Ballinscho upon the "calsay" of Edinburgh, the said Patrik being in company with the Lord Glammis. Edinburgh, 17th March. Patrick Johnston.

Fol. 201, a.

Williame Cathcart of Bardarroch for Allane Cathcart of Waterheid, in £1000, not to harm Hew Craufurde, brother natural of Williame Craufurde of Lefnoreis. Band, registered by Archibald Boyde, is subscribed at Air, 15th March, before Mr. Johnne Dumbar of Pollosche, Johnne Scheirar, messenger, Williame M'Kerrell, sheriff clerk of Air, and David Girvane, his servant, writer hereof. Edinburgh, 18th March. Allan Cathcart.

Andro Moriesoun in Leyth for Patrik Boswall, burgess of Kinghorne, £500, not to harm George Pursell, admiral officer. Patrick Boswell.

Fol. 201, b.

Williame Bothuill of Quholpsyde, as principal, and Robert Foullis, portioner of Bonytoun, as surety, *et vice versa*, either of them in 500 merks, not to harm Johnne Sutherland in Edinburgh. William Bothwell and Robert Foulis.

Said Johnne Sutherland, as principal, and Andro Watsoun, burgess of Edinburgh, as surety, in 300 merks, not to harm the said Williame Bothuill and Robert Foullis. Edinburgh, 21st March. John Sutherland.

Acta Caut. 1600–1601. Fol. 205, b.

Patrik Lindsay of Barneyairdis, as principal, and Thomas Lyell fiar of Murthill, as surety, 3000 merks, *et vice versa*, 1000 merks; David Lindsay of Vayne, as principal, and Sir Walter Lindsay of Balgai, as surety, 3000 merks, *et vice versa*; David Lindsay, fiar of Vayne, as principal, and David Lindsay, fiar of Kynnetlis, as surety, 2000 merks, *et vice versa*, 2000 merks; Williame Foullertoun of Ardo for Johne Lindsay of Balhill, £1000; David Lindsay, apparent of Vayne, for Alexander Lindsay of Kethik, 1000 merks; Alexander Lindsay, apparent of Kethik, as principal, and David Lindsay, apparent of Vayne, as surety, 1000 merks; David Lindsay of Quarelhill, as principal, and Hary Lindsay of Kinfawnis, as surety, 1000 merks; Williame Foullartoun of Ardo, as principal, and Robert Erskin of Ardestie, as surety, 2000 merks; said Robert, as principal, and said Williame, as surety, 1000 merks; Williame Montrose, 22nd March. The Lindsays and Ogilvys.

Fol. 206, a.

Rynd of Kers, as principal, and Alexander Lawder of Umoquhy, as surety, 2000 merks; Johne Rynd, apparent of Kers, as principal, and said William Rynd, his father, as surety, 1000 merks; Sir Johne Lindsay of Wodheid, and David Lindsay, fiar of Kinnetlis, for David Lindsay, elder of Kynnetlis, 2000 merks; Hary Lindsay of Carestoun, as principal, and Sir Johne Lindsay of Wodheid, as surety, £3000, *et vice versa*, £3000; Alexander, Lord of Spynie, as principal, and Sir Johne Lindsay of Wodheid and Hary Lindsay of Carestoun, as sureties, 10,000 merks; Williame Stewart, brother of the Earl of Athoill, as principal, and Hary Lendsay of Kinfawnis, as surety, £1000; Johne Erskin of Carbadow, as principal and Alexander Erskin of Tulliblet, as surety, 1000 merks; David Lindsay, fiar of Edzell, as principal, and David Stratoun, fiar of Craigy, as surety, 5000 merks; David Lindsay, fiar of Edzell, for Alexander Lindsay of Brodland, 2000 merks,—not to harm James, Lord Ogilvy of Airlie, and all such of the Ogilvys and their friends as took no part with James, Master of Ogilvy, at the late combat between him, his brothers and accomplices, on the one part, and Alexander, Lord of Spynie, his brothers and accomplices, on the other side. Acta Caut. 1600-1601.

Edinburgh, 5th April. The Lindsays and Ogilvys.

The said Patrik Lindsay and the other principals abovewritten, with their cautioners foresaid, "at the speciall command and directioun of the Kingis Majestie," bind and oblige themselves to assure James, Master of Ogilvy, Sir Johnne Ogilvy of Craig and all the other Ogilvys with their friends who assisted them in the late conflict, that they shall not be harmed or troubled till 11th May next, under the pain of perjury and infamy, in addition to the pecunial penalties before specified. Parties consent to the registration of the assurance, which is subscribed at Monrois 22nd March 1600. Fol. 204, a. Fol. 204, b.

Dun, 23rd March. Lord Spynie and Sir John Lindsay.

Alexander, Lord of Spynie, as principal, and Sir Johne Lindsay of Wodheid, as surety, in 10,000 merks, *et vice versa*, in £3000, to underlie the laws when required for the slaughter of James Irnis and Lawrence Burne, committed March instant. Fol. 207, a.

Inverkeillor Church, 24th March. The Ogilvys and Lindsays.

James, Lord Ogilvy of Airlie, as principal, and James, Master of Ogilvy, as surety, 10,000 merks; the said Master, as principal, and Sir Johne Ogilvy of the Craig, as surety, £5000, *et vice versa*, 5000 merks; Mr. David Ogilvy and George Ogilvy, sons of the said Lord, as principals, and said Sir Johne, as surety,—Mr. David in 3000 merks and George in £1000; Sir Johne Ogilvy of Inuerquharitie, as principal, and James Ogilvy of Balfour, as surety, 5000 merks, *et vice versa*, 2000 merks; David Ogilvy, brother of Inuerquharitie, as principal, and his said brother, as surety, 1000 merks; David Ogilvy of Bannabath, as principal, and James Ogilvy of Balfour, as surety, 1000 merks; Archibald Ogilvy of Kelour, as principal, and Robert Lichtoun, son and apparent heir of Robert Lichtoun, fiar of Ulissane, as surety, £1000, *et vice versa*, 500 merks; Henry Futhie, fiar of Boysak, as principal, and James Futhie of Guind, as surety, 500 merks, *et vice versa*, £500; Francis Ogilvy, son of the said Lord, as principal, and James, Master of Ogilvy, as surety, Fol. 207, b.

Acta Caut. 1600–1601.

1000 merks; Thomas Fothringhame of Poury, as principal, and the Laird of Innerquharitie, as surety, 5000 merks; Thomas Cullace of Pitforky, as principal, and the said Mr. David Ogilvy, as surety, £1000; Johne Lamb of Dunkeny, as principal, and George Foullertoun, fiar of Dunnune, as surety, 2000 merks; Patrik Ogilvy of Inchemartine, as principal, and Patrik Kynnaird of that Ilk, as surety, 5000 merks:—not to harm David, Earl of Craufurd, and all other Lindsays who did not take part with the Lord of Spynie and his accomplices in the late conflict between him and

Fol. 208, a. the Master of Ogilvy. The said principals (with Johne Stirling, fiar of Braky, for whom Johne Ramsay of Jordanstoun becomes surety in 1000 merks), "at the speciall command and directioun of the Kingis Majestie," bind and oblige themselves to assure Lord of Spynie, Sir Johne Lindsay of Wodheid, and all the persons who assisted them in their late conflict with the Master of Ogilvy and his accomplices, to be unharmed or in any

Fol. 208, b. wise troubled by them till 11th May next, under the pains foresaid.

Fol. 209, a. Farther, for the more security of the Lindsays, the said principals consent to the registration of this assurance, subscribed at Monrois, 23rd March 1600. It is provided that, if Lord Ogilvy go abroad before the expiry of this assurance, he shall then be obliged for his own person only.

Edinburgh, 5th April.

Fol. 206, b. Johne Ramsay of Jordanestoun, as principal, and Johne Stirling, fiar of Braky, as surety, £1000 and George Ramsay of Banff, as principal, and Johne Cullace of Balnamone, as surety, 2000 merks, not to harm James, Lord Ogilvy of Airlie, and all of the name of Ogilvy, with their friends, who did not take part in the late conflict between him and his friends, on the one side, and Alexander, Lord of Spynie, and his accomplices, on

Fol. 205, a. the other part; also, to assure James, Master of Ogilvy, Sir Johne Ogilvy of Craig, and all who were in their company at the late conflict, that they

Fol. 205, b. shall not be harmed or troubled by them till 11th May next, under the pain of perjury and infamy, in addition to the pecuniary penalties abovewritten.

Perth, 1st April. The Ramsays.

Edinburgh, 5th April

Fol. 211, b. Robert Kynneir of Boithis and Robert Rollok, bailies of the city of Brechin, and David Lindsay, David Dempstar, David Carnegy, and Richard Chopman, councillors of the said city, bind and oblige themselves in £1000 not to take any part in the feud between the Earl of Crawfurde and Lord Ogilvy. Cautions to the same effect in 1000 merks by Williame Andersoun, Johne Dickiesoun, bailies of Forfare, Andro Hunter

Fol. 212, a. and James Sutie, councillors thereof; also, by Thomas Persoun, Johnne Aikman, Thomas Ramsay, bailies, and Alexander Wode, Patrik Balfour, Johne Haillis, Robert Lyn, Robert Murray, Andro Auchterlony, Andro Dunlop, Andro Eliot, Abrahame Creychtoun, Robert Persoun, councillors, of the burgh of Arbroath, in £1000. Alexander Persoun of Wardmylne registers the band, subscribed at Aberbrothok, 30th March,—Mr. Alexander Persoun subscribing for the parties unable to write.

Montrose, 22nd March. Bailies and Council of Brechin.

Bailies and Council of Forfar.

Perth, 31st March. Bailies and Council of Arbroath.

Fol. 202, b. Mr. James Wischeart of Rynd for Alexander Gairdin of Burrofelid and Thomas Collace of Pitforkie, either in 500 merks, not to reset or intercommune with Elizabeth M^{c}Gill,—who is at the horn for not paying to

Montrose, 25th March. Garden and Collace.

Alexander Smyth, elder, burgess of Dundie £240 as principal and £40 for expenses,—during the time of her rebellion. Acta Cant 1600-1601

Perth, 31st March. Commendator of Inchaffray and others.

James, Commendator of Incheaffray, as principal, and Andro Drummond, fiar of Belliclone, as surety, in 300 merks, and said James for Williame Drummond of Belliclone, £1000, and for said Andro, 1000 merks, not to harm Alexander M°Ray of Wodend.

Robert Grahame.

Patrik Grahame in Auchtirardour for Robert Grahame, archdeacon of Ros, 2000 merks, not to harm Rory M°Kenzie of Slego.

Thomas Fraser, his son, and others.

James Durhame of Pityarrow for Thomas Fraser of Braky and Robert Fraser, his son, either of them in 2000 merks, to take no part directly or indirectly in the feud between the Lord of Spynie and the Master of Ogilvy. Cautions to the same effect by David Maxwell of Teling, as principal, and James Creychtoun of Ruthvenis, as surety, *et vice versa*, either of them in 5000 merks; by Williame Grahame of Claverhous, as principal, and Williame Grahame, tutor of Fintrey, as surety, 2000 merks, *et vice versa*, 3000 merks; by Sir James Skrymgeour of Dudop, as principal, and said Claverhous and tutor of Fintrey, as sureties, 5000 merks; by Moncur of that Ilk, as principal, and Patrik Kynnaird of that Ilk, as surety, 3000 merks; by Johne Tyrie, tutor of Drumkilbo, as principal, and Patrik Guthrie of Hiltoun, as surety, 1000 merks; by Johne Collace of Balnamore, as principal, and George Ramsay of Banff, as surety, 2000 merks; and by Sir William Ruthven of Bandone for William Auchterluny of that Ilk, 5000 merks. Fol. 210, Fol. 210, Perth, 1st April. Fol. 211,

The Ogilvys.

Johnne Stirling, fiar of Breky, as principal, and Johnne Ramsay of Jordanestoun, as surety, 1000 merks; Hering of Lethindie, as surety for James Ogilvy of Clova, £5000, and for James Ogilvy, fiar of Clova, 3000 merks; and Williame Falcouner of the Mill of Old Monrois as surety for James Ogilvy of Achirach, 1000 merks,—not to harm David, Earl of Craufurde, and his friends who were not in company with Lord Spynie at his combat with the Master of Ogilvy. David Hering of Glasclune for James Ogilvy of Clova, £5000, and James Ogilvy, fiar of Clova, 3000 merks, not to harm Lord Spynie, Sir Johne Lindsay of Wodheid, and those with them at the late combat, and to assure them till Whitsunday next. Williame Falcouner at the Mill of Old Monrois for James Ogilvy of Achirach, 1000 merks, to the same effect. Fol. 209, Fol. 209,

John Udny.

James Weymis of Bogy for Johnne Udny in Over Pitforthy, £1000, not to harm Williame Thomesoun, portioner in Dundee. Fol. 203,

Perth, 2nd April. Sir Duncan Campbell.

Sir Duncane Campbell of Glenurquhy, as principal, and Sir Thomas Stewart of Garntullie, as surety, £2000, not to harm Patrik M°Quene, minister. Fol. 212,

Edinburgh, 2nd April. Edward Douglas.

Edward Douglas in Wester Gellatt, as principal, and Clement Sanderis, portioner of the Craigis, as surety, £500, not to harm James Sands in Wester Gellatt. Fol. 202,

Clement Edgar and his sons.

Johnne Broun of the Landis for Clement Edzeare in Kirkblane, and Thomas and Johne Edzearis, his sons, 500 merks each, not to harm Richard Patersoun in Swadolandis, servitor to Edward of Ile,—James

cta Caut. 500-1601.

Striviling, advocate, registering the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis 31st March, before Robert Edzear in Blaikschaw, Harbert Batie, burgess of Drumfreis, said writer hereof, and Robert Cunynghame, notary.

ol. 203, b.

Duncane Bane of Tulloch for Johnne M°Kenzie of Garloch, and Johnne M°Kenzie, younger of Garloch, not to harm Rory M°Kenzie of Slego, conform to the charge given to them, dated at Edinburgh 6th March last, under the pains contained therein,—Mr. George Abernethie, advocate, registering the band, subscribed at Kinkell 28th March, before Alexander M°Kenzie, writer hereof, William Kemp, burgess of Dinguawall, and Johne M°Gillichoane, notary public, the said notary subscribing for Johne M°Kenzie, elder of Garloch. Edinburgh, 5th April. John Mac-Kenzie, elder and younger.

ol. 204, a.

ol. 212, b.

James Innes of Mynenie for Alexander Innes of Cokstoun, not to reset or intercommune with Mr. Alexander Innes, sometime minister at Birnay, Mr. George Innes, his brother, Johnne Innes, elder, *alias* M°Terrie, James Innes, his son, William Innes, skinner, Johne Innes, sometime in Coittis, Johne Innes, younger, *alias* Lang Johnne, Robert Innes of Coittis, Alexander Innes, saddler, Robert Innes, flesher, and James Scott in Little Innerlochtie, put to the horn at the instance of William Hay of Mayne, James, Mr. Alexander, George, Hew, Mr. Johne, Gawne, and Archibald Douglassis, for not answering for the slaughter of William Hay, father—brother of the said Laird of Mayne, and of the late Agnes Leslie, mother of the said Mr. Alexander Douglas and his other brothers,—conform to the King's letters dated at Montrois 20th March *anno regni* 33. Mr. Thomas Mawer, advocate, registers the band, written by Williame Thome, servitor to Mr. Johne Innes of Haltoun in the diocese of Murray, and subscribed at Dippill, 6th April, before Robert Innes of Essill, William Innes, servitor to the said principal, William Annand, son of the late Johne Annand of Murrestoun, Alexander Annand, notary public, and the said writer hereof. Edinburgh, 9th April. Alexander Innes of Coxtoun.

ol. 213, a.

ol. 213, b.

Williame Borthuik, tutor of Borthuik, for Johne and Alexander Borthuikis, his brothers, £200, to answer upon 17th instant for their alleged "directing and wryting of letters and chartalis" to William Sinclair of Roisling; also, to pay to the Treasurer £40 for either of their escheats, or else obtain nullity of the horning used against them for not answering to the said complaint. John and Alexander Borthwick.

Williame Cumyng, portioner of Lurg, for James Sandis in Wester Gellett, 500 merks, not to harm Edward Douglas there,—Mr. Robert Young registering the band, subscribed at Culros, 8th April, before William Aitkin of Burwane, Mr. Hary Aitkin, writer hereof, his son, Robert Bennet, burgess of Culros, James Blaw there; John Forret, notary, subscribing for Sandis. James Sands.

ol. 214, a.

David Mudie, merchant, burgess of Dundie, for Johne Mudie of Bryantoun, 500 merks, not to harm Mr. James Wischeart, conform to the King's letters dated at Edinburgh 7th August last,—Mr. Patrik Murray, advocate, registering the band, written by Thomas Hunter, notary, and John Mudie.

ol. 214, b.

subscribed at Dundie, 8th April, before Archibald Prymrois, Thomas Man, merchant, burgess of Dundie, James Strathauchin, burgess of Aberbrothok, and said writer hereof,—Hunter subscribing for Johne Mudie. Acta Cau 1600-1601

Edinburgh, 10th April. Donald Menteith.

Eduard Toscheauch of Monywaird for Donald Menteyth of Turquhoun, 300 merks, not to harm Sir Duncane Campbell of Glenurquhy,—Mr. William Oliphant, advocate, registering the band, written by James Lawder and subscribed at Perth, 4th April, before the said writer hereof, Oliver M^cKiesoun, burgess of Perth, Mr. William Murray of Ochtertyre, and Adame Schoir, writer and notary public. Fol. 215,

Edinburgh, 12th April. Alexander Murray.

Walter Murray of Balnoillis for Alexander Murray of Wodend, £1000, not to harm James Drummond of Innerpeffrey, William Drummond, portioner of Belliclone, Andrew Drummond, his eldest son, George Drummond in Strageith, Gawin Drummond, his son, Johnne Gray and Johnne Lutfute, portioners of Belliclone, and Hew Lutfute, eldest son of the said Johnne,—James Striveling registering the band, subscribed at Wodend, 8th April, before Johnne Reid, Johnne Hutoun, and James Ermoche, servants to the said Alexander. Fol. 215,

Edinburgh, 15th April. James Young.

Johne Corsane, bailie of Drumfreis, for James Young, chirurgeon, burgess there, £500, not to harm Mathow Puill, burgess there, and now indweller in Edinburgh,—Mr. Robert Young registering the band, written by Harbert Cunynghame, notary, and subscribed at Drumfries, 10th April, before Johne Schortrig, burgess there, said writer hereof, Robert Cunynghame, notary, and Johne Gordoun.

Edinburgh, 18th April. Lady Invermarky.

Johnne Gordoun of Carneborow for Jeane Barclay, Lady of Inuermerky, 500 merks, not to reset or intercommune with Alexander Innes, sometime minister at Birnay, and his accomplices abovewritten (*ante* p. 643), conform to the King's letters dated at Montros 20 March 1600,—Mr. Johne Nicolsoun, advocate, registering the band, subscribed at Carnborrow, 12th April, before Henry Stewart in Dawestoun, and Johne Gordoun, "my youngest sone." Fol. 216,

Edinburgh, 19th April. Samuel Barker.

James Hendersoun, chirurgeon, burgess of Edinburgh, for Samuel Barcar, skipper in Leith, now in ward in the tolbooth of Edinburgh, to enter again in ward by 15th May next in the said tolbooth, and failing thereof to satisfy his Majesty's will for drawing a sword upon the causeway of Edinburgh, being within a mile of the King's residence, and pursuing the Laird of Lie. Deleted by a warrant subscribed by the King and Chancellor at Falkland 2nd May 1600: J. Prymrois.

Walter Kinnaird and his son.

James Douglas of Schuittingaikeris for Walter Kynnaird of Culbin and Thomas Kynnaird, his son, 500 merks, not to reset or intercommune with Mr. Alexander Innes, sometime minister at Burnay, and his accomplices foresaid, denounced rebels at the instance of William Hay of Mayne and his colleagues abovewritten (*ante*, p. 643),—Mr. Thomas Mawer, advocate, registering the band, written by Johnne Annand, notary public, and subscribed at Elgin, 15th April, before Thomas Innes, parson of Bonache, James Kynnaird and Walter Kynnaird, sons of the Laird of Culbin, and the said writer hereof. Fol. 216,

ta Caut. 0–1601. . 217, a.

Robert Stewart of Kilchattane and Johne Spence of Wester Camis for Hectour Bannatyne of Camis, 3000 merks, not to harm Charlis Bannatyne of Knowsleiklone,—Mr. Thomas Craig, advocate, registering the band, written by Mathew Spens, notary, and subscribed at Kilchattane, 18th April, before Johne Stewart of Eskok, Johne Stewart, younger of Kirricroy, Allaster M°Conoquhy in Largibrachtan, and David Stewart there,—Thomas Stewart and Mathew Spence, notaries, subscribing for Johnne Spence. Edinburgh, 20th April. Hector Bannatyne.

. 217, b.

Henry Fethy, fiar of Ballissak, for Mr. James Wischeart of Rynd, £500, not to harm Johne Mudy of Brychantone, conform to the King's letters dated at Edinburgh 10th instant,—Mr. Robert Young registering the band, written by Thomas Dunlop, notary in Arbroith, and subscribed there, 21st April, before George Peirsone, burgess of Arbroith, Johne Quhytlaw, son of Alexander Quhytlaw in Peblis, Mr. Alexander Persone, common clerk of Arbroith, and said writer hereof. Edinburgh, 23rd April. Mr. James Wishart.

. 218, a.

Johnne Maxwell of Conhaith, elder, for Harbert M°Kye, burgess of Drumfreis, and James M°Kye, his son, £500 each, not to harm Gawin Makclellen, son of the late Michaell Makclellen in Eittoun,—Mr. David Guthrie registering the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 23rd April, before Johnne Gibsoun, Robert Baty, burgesses there, Gawne Horner, and Johnne Gordoun, writer,—said Halbert Cunynghame and John Rig, notary, subscribing for Harbert M°Kie. Edinburgh, 25th April. Herbert MacKie and his son.

l. 218, b.

Robert Crystiesoun, burgess of Tayne, for Johne M°Culloch, burgess there, 500 merks, not to harm Williame Corbet, burgess there, conform to the King's letters dated at Edinburgh 29th March 1599,—Mr. Lawrence M°Gill, advocate, registering the band, written by Archibald Ros, burgess of Edinburgh, and subscribed at Tayne, 18th April, before William Ros, burgess of Tayne, said writer hereof, Andro M°Culloch, younger there, and Andro Ros. Edinburgh, 29th April. John McCulloch.

l. 219, a.

William M°Clellane of Auchlane, tutor of Bombie, for Robert Hall, burgess of Kirkcudbrycht, Williame M°Clellane, son natural of the late Thomas M°Clellane of Balig, and William M°Burnie, maltman, 500 merks each, not to harm Herbert M°Kie, burgess of Drumfreit,—Mr. Johne Scharpe, elder, advocate, registering the band, written by Johne Mekill, notary public, and subscribed at Auchlane, 24th April, before William Scharpe, minister at Tungland, Mr. Gilbert Gordoun of Schirmers, and Robert Edzer, "my servand." Robert Hall and others.

l. 219, b.

James Drummond of Innerpeffrie (Incheffray) for William Drummond of Belliclone, £1000, Andro Drummond, his son, 1000 merks, heritors of Ardewny, and William Drummond and David Dow, their tenants of the said lands, 400 merks, not to harm Sir Johne Murray of Tullibardin, William Murray, his son and apparent heir, Peter Smetoun, William Oswald, and David Craufurde, his tenants of the lands of Lawhill,—Mr. Thomas Rollok, advocate, registering the band, written by Johne Broun, notary, burgess of Perth, and subscribed at Innerpeffry, 28th April, before Johne Drummond of Drummanerinoch, Thomas Drummond, Allaster M°Ruther, and Johne Buchannane, servitors to the said James Drummond. Edinburgh, 30th April. William Drummond and others.

James Spence and others.

George Dumbar of Achinleisk for James Spens of Alves Kirktoun, Mr. James Dumbar of Newtoun, and Thomas Gilyeane in Monachtie, 500 merks each, not to reset or intercommune with Mr. Alexander Innes, sometime minister at Birnay, and his accomplices foresaid, denounced rebels at the instance of William Hay of Mayne and his colleagues abovewritten (*ante*, p. 643), during the time of their rebellion,—Mr. Alexander Thomesoun, advocate, registering the band, subscribed at Alves 23rd April, before Johne Lowrie, burgess of Edinburgh, Alexander Andersoun, servitor to the said George, and Andro Bruntfeild, servitor to the said Mr. James. Acta Cau 1600–1601 Fol. 220, Fol. 220,

Rory Mac-Kenzie.

Murdo M^cKenzie of Achiltie, and Alexander M^cKenzie, portioner of Cullicudin, for Rorie M^cKenzie of Slego, £1000, not to harm Johne M^cKenzie of Garloch, and Johne M^cKenzie, his son and apparent heir,—Mr. Robert Young registering the band, written by Mr. Mertine Logy, notary public in the Chanonry of Ros, and subscribed at Achiltye and the Chanonry, 20th April, before Kenyeoch M^cKenzie of Killichreist, Mr. Johne M^cGillichallum, schoolmaster in the Chanonry, and Robert Grant, burgess there. Fol. 221,

Duncan Grierson.

Duncane Greirsoun, messenger, as principal, and James Schaw, merchant, burgess of Edinburgh, as surety, not to harm William Thomesoun, burgess of Rosmerky, under the pains in the King's letters. Fol. 221,

Rory Mac-Kenzie.

Kenyeoch M^cKenzie of Burrodaill for his "gude freind and kynisman" Rorie M^cKenzie of Slego, £500, not to harm Robert Grahame, archdeacon of Ros,—Mr. Robert Young registering the band, written by Mr. Mertine Logy, notary public in the Chanonry, and subscribed there 20th April, before Robert Grant in the Chanonry, Lawrence Dalgleische, servitor to Robert Grant, Kenneth M^cKenzie of Kilchreist. Fol. 222,

Edinburgh, 5th May. Alexander Innes.

Robert Innes of Speislaw for Alexander Innes in Quhytewrayis, 500 merks, not to reset or intercommune with Mr. Alexander Innes, sometime minister at Birnay, and his accomplices foresaid, put to the horne at the instance of William Hay of Mayne and his colleagues abovewritten (*ante*, p. 643), conform to the King's letters dated at Montrois 20 March *anno regni* 33,—Mr. Johne Lermonth, advocate, registering the band, written by Alexander Annand, notary public in Elgin, and subscribed there 30th April, before Mr. Johne Innes of Haltoun, William Thome, his servitor, Thomas Kynnaird, burgess of Elgin, Alexander Innes in Quhytewrais, and said writer hereof. Fol. 222,

Robert Innes.

Alexander Innes of Muretoun for Robert Innes of Spyslaw, 500 merks, to the effect foresaid,—Mr. Johne Lermonth registering the band, written by said William Thome, and subscribed as above before William Innes in Kynnedour, Mr. Johne Innes of Haltoun, Thomas Kynnaird, litster, burgess of Elgin, and Alexander Annand of Muirrestoun, notary public. Fol. 223, a Fol. 223, b

Margaret Ros.

Thomas Innes, burgess of Elgin, for Margaret Ros, relict of William Innes of Unthank, 500 merks, also to the effect foresaid,—Mr. Johne Lermonth registering the band, written by Alexander Annand, notary public, and subscribed at Elgin, 1st May, before Andro Hammiltoun, son Fol. 224, a

cta Caut. 300–1601.

of Johne Hammiltoun of Achbeggis, William Tarres, in the college of Elgin, Andro Gordoun and Robert Dewar in Elgin, and said Williame Thome,—the writer hereof subscribing for Margaret Ros.

Alexander Innes of Coittis for Mr. Johne Innes of Haltoun, 500 merks, also to the effect foresaid,—Lermonth registering the band, written by Williame Thome and subscribed at Elgin, 30th April, before Robert Innes of Spyslaw, William Innes in Kynneddour, Alexander Innes, brother of the said William, Alexander Annand, and writer hereof. Mr. John Innes.

'ol. 224, b.

Thomas Kynnaird, litster, burgess of Elgin, for William Innes in Kynneddour (of Ardenoch), 500 merks, also to the effect foresaid,—the band, registered, written and dated as above, being witnessed by Mr. Johne Innes of Haltoun, Robert Innes of Speyslaw, Alexander Innes of Quhytewray, and Alexander Annand. William Innes.

'ol. 225, a.

Mr. Johne Innes of Haltoun for Alexander Innes of Coittis, 500 merks, also to the effect foresaid,—the band, registered, written and dated as above, being witnessed by Robert Innes of Speyslaw, William Innes in Kyneddour, Alexander Innes, brother of the said William, Alexander Annand, notary public, and said Williame Thome. Alexander Innes.

'ol. 225, b.

Johnne Foirman in Inveresk and Johnne Harret in Fischeraw, as principals, and George Hunter in Ormestoun, as surety, either in 3000 merks, not to harm Margaret Hill in Carnetowis. Edinburgh, 8th May. John Forman and George Harret.

'ol. 226, a.

Niniane M^cMorhaine, merchant, burgess of Edinburgh, for David Richardsoun, merchant, burgess there, to pay to the tacksmen of the customs the custom of certain silver imported by him, in case it be found that he ought to do the same. David Richardson.

Walter Hunter in Cairnie and William Widderspune for Johne Hunter in Newmyll of Cluthymoir, £300, not to harm Gilbert Adamesoun, son and heir of the late Henry Adamesoun,—Mr. Umphra Blinsele, advocate, registering the band, subscribed at Perth, 7th May, before Patrik Moncreif in Methven, Johne Reid, burgess of Perth, Robert Hunter in Cultmalundy, Thomas Nicoll, notary, burgess of said burgh, Robert Nicoll, notary, writer hereof, and William Johnestoun, writer there,—the said notaries subscribing for the sureties. John Hunter.

Fol. 226, b.

Robert Wode, "wobster" in Brochtoun, as principal, and David Kay, smith in Brochtoun, as surety, 100 merks, not to harm Stevin Cunynghame, son and heir of the late Gilyeame Cunynghame, mason to his Majesty, and Johne Dougall, messenger, his tutor dative. Robert Wood.

Fol. 227, a.

Patrik Moscropt, burgess of Edinburgh, for Henry Sincler of Quhytekirk, £200, to answer on 15th May next a complaint against him by Mr. Johne Forrest, minister at Quhytekirk. Edinburgh, 10th May. Henry Sinclair.

James Browne, cordiner in the Cannogait, for James Johnnestoun, mason in the Cannogait, 100 merks, not to harm the said Stevin Cunynghame and his tutor dative. Edinburgh, 12th May. James Johnston.

Johnne Robertsoun, elder, mason in Leith, and Johnne Robertsoun, his son and apparent heir, as surety, either in £100, to the effect foresaid. John Robertson, elder and younger.

Fol. 227, b.

Williame Rutherfurd in Leyth, as principal, and Patrik Moscropt of William Rutherford.

Cassiltoun, as surety, £2000, not to harm Mr. Edward Merschaell, clerk of the commissariat of Edinburgh. Acta Caut. 1600–1601.

Edinburgh, 14th May. John Hunter.

Lawrence Miller, servitor to Alexander, Lord of Fyvie, for Johne Hunter in Newmyll, £300, not to harm Helene Orme, relict of Henry Adamesoun, burgess of Perth,—Johne Reid, burgess of Perth, becoming surety in relief. Fol. 228, a.

Edinburgh, 15th May. Mr. Edward Marshall.

Robert Scott, burgess of Edinburgh, for Mr. Edward Merschell, commissary clerk of Edinburgh, £2000, not to harm William Rutherfurde in Leyth.

Edinburgh, 16th May. Duncan and John Robertson.

Duncane Robertsoun of Dolloben, as principal, and Johne Robiesoun, *alias* Tarlasoun, his tenant, as surety, £1000, *et vice versa*, £500, not to harm Katherine Halyburtoun, liferenter of the mill of Kynnochrie, or Robert Pittillo, her son, fiar thereof. Fol. 228, b.

Edinburgh, 21st May. John Dougall.

Johne Dowgall, messenger, as principal, and Andro Greir, merchant, burgess of Edinburgh, as surety, £100, not to harm Johne Robertsoun, mason in Leyth, Johne Robertsoun, his son, James Johnestoun, mason, and Robert Wode, weaver.

Robert Johnstone.

James Dalzell, younger, merchant, burgess of Edinburgh, for Robert Johnnestoun, chapman in Edinburgh, 200 merks, to answer upon 29th instant touching the tumult raised in Edinburgh upon 17th December 1596. Fol. 229, a.

Edinburgh, 22nd May. Robert Mure.

Hew Ralstoun of that Ilk for Robert Mure of Cauldwell, £500, to answer on 24th June next to a complaint against him by Johne Reid in Kittoksyd; also, to present when required James Mure, his eldest son, William and Johne Mures, also his sons, Johne Kincaid, James Mure, Robert and Johne Couperis, to the effect foresaid; farther, to pay to the Treasurer within 40 days hereof 500 merks for his escheat goods, or else obtain nullity of the horning used against him for his non-compearance and non-entry of the persons foresaid. Mr. Lawrence M^cGill, advocate, registers the band, subscribed at Wodsyde, 21st May, before Hew Ralstoun, son of Laird of Ralstoun, Alexander Mure, brother natural of the Laird of Cauldwell, and Johne Mure, servitor to Johne Mure, son of the said Laird. Fol. 229, b.

Edinburgh, 24th May. John Gemmil.

Johnne Lindsay, apparent of Covingtoun, for Johne Gemmill, notary in Cumnok, 500 merks, not to harm Robert Aslowance, messenger in Cumnok.

James MacNaucht.

David Dumbar of Daldork for James M^cNacht, skinner, burgess of Edinburgh, 600 merks, not to harm Jeane Stewart, relict of Johne M^cNaucht, at the mill of Cumnok, Andro Stewart of Craighous, and Robert Stewart, her brother. Fol. 230, a

Edinburgh, 27th May. Patrick MacNaucht.

Moses Wallace, skinner, burgess of Edinburgh, for Patrik M^cNacht, skinner, burgess there, 600 merks, to the effect foresaid.

Hew Dalzell.

Robert Tod, merchant, burgess of Edinburgh, for Hew Dalzell, merchant, burgess there, 500 merks, not to harm George Pursell, admiral officer. Fol. 230, b.

William Craig.

Thomas Hammiltoun and Robert Aikenheid in Leyth for William

Acta Caut. 1600-1601.

Craig, master brouster to his Majesty, to pay to Johne Symsone, servitor to the Laird of Weddirburne, late comptroller, £6, 3s. 4d. for each boll of 22 bolls of bear bought and received by him from Symsone, in case he ought to do the same.

Johnne Merschaell in Dunkeld for Thomas Merschaell, notary there, 500 merks, not to harm "ane reverend father in God" Petir, Bishop of Dunkeld,—Mr. Patrik Murray, advocate, registering the band, written by the said Thomas, and subscribed at Dunkeld, 13th May, before Thomas Bennett in Dunkeld, Thomas Mertine there, James Sandiesoun, reader at Capen. Edinburgh, 28th May. Thomas Marshall.

Fol. 231, a.

Johne Thomesoun, merchant, burgess of Perth, for James Robertsoun, in Dunkeld, 500 merks, to the effect foresaid,—the band, registered and written as above, being dated at Perth, 15th May, before George Mathow, messenger in Perth, James Dykis, merchant and burgess there, William Eleis, burgess there, Alexander Fergusone, servant to Mr. Johne Merschaell, and said Thomas Merschaell; the last subscribing for Johne Thomesoun and James Robertsoun. James Robertson.

Fol. 231, b.

William Fyff, portioner of Russill, for Johne Merschaell in Dunkeld, 500 merks, also to the effect foresaid,—Murray registering the band, written by William Sandiesoun, writer in Dunkeld, and subscribed there 13th May, before Malcolme Reid of Easter Tyre, Thomas Merschell, notary, said writer hereof, and Johne Reid, writer. John Marshall.

Fol. 232, a.

Williame Bannatyne of Corhous, as principal, and George Weir of Stanebyris, as surety, not to harm Mr. James Durhame of Duntarvie, under the pains in the King's letters. Edinburgh, 31st May. William Bannatyne.

Archibald Johnnestoun, merchant, burgess of Edinburgh, for Robert Johnnestoun, chapman there, 200 merks, to answer when charged touching the tumult in Edinburgh upon 17th December 1596. Robert Johnstone.

Fol. 232, b.

Mr. James Stewart, commissary of Dunkeld, for Alexander Boyde, son of Robert Boyde of Little Dunkeld, £500, not to harm George Patoun in the Hiltoun of Cutie, William Ducheris there, Androw Downy there, James Gilruith and Lawrence Wentoun there, conform to the charge given to him by Michaell Hall, messenger, of date at Perth 28th March last,—Mr. Johne Moncreiff, advocate, registering the band, written by the said commissary, and subscribed at Ladywell, 25th May, before William Fidler in Inschewny, Michaell Blelok and Thomas M°Condoquhy, "my servitouris." Alexander Boyd.

Fol. 233, a.

William Spalding in Bordland, as principal, and Johnne Adamsoun at the miln of Blakcowance, as surety, *et vice versa*, and Robert Fleming in Bletoun, as principal, and Johnne Findlasoun there, as surety, *et vice versa*, £500 each, not to harm David, Earl of Crawford, George Ramsay of Banff, William Ratray of Rannagallane, and Johnne Rattray in West Forest. Edinburgh, 3rd June. William Spalding and others.

The said William Spalding, Johnne Adamesoun, Robert Fleming, and Johnne Findlasoun, for Donald Fraser in Drumquhirk and Andro Spalding there, either in £500, to the effect foresaid. Donald Fraser and Andrew Spalding.

Fol. 233, b.

Thomas Merston.

Thomas Merstoun (Merchenstoun) in Inueresk, as principal, and Alexander Merstoun (Mercheinstoun) there, as surety, 500 merks, not to harm James Hunter and James Baxter in Cowsland. Acta Caut. 1600-1601.

Edinburgh, 7th June. James Tulloch.

David Wode of Craig for James Tullo in Abbatoun, £500, not to harm James Strathauchin, apparent of Monbodow, Mr. Johnne M°Gill, advocate, registering the band, subscribed at Glenfarcher, 4th June, before Johnne Ker and Walter Cheisholme. Fol. 234, a.

Edinburgh, 9th June. Town of Banff.

David Hereot, goldsmith, burgess of Edinburgh, for the provost, bailies, council, community, and whole inhabitants of the burgh of Banff, 1000 merks, not to harm Walter Currour of Inchedrour.

Donald Campbell.

James Hall of Foulbar for Donald Campbell of Dronghie, £100, to answer before the King and Council upon 24th instant to a complaint against him by Ludovick, Duke of Lennox,—Mr. Umfra Blinsile, advocate, registering the band, subscribed at Dumbartane, 6th June, before Alexander Colquhoun of Lus, Robert Semple of Fulwode, Claud Hamiltoun of Cochno, Johnne Stewart of Askog. Fol. 234, b.

Robert Colville and his tenants.

James Lyndsay of Dowhill for Robert Colvile of Cleische, 2000 merks, and for Robert Angus, Niniane Nicoll, Adame Brand in the Mylnetoun, and James Persoun, his tenants, 500 merks each, not to harm Lawrence Merser of Mekillour, Johnne Brand in Westertoun of Adie, James Symth there, Johnne Donnaldsone *alias* Rentoull there, David Blaikwode there, Gabriell Robertsoun there, Gabriell Robertsoun there, David Robertsoun there, Johnne Brand there, and Lawrence Brand there.

Edinburgh, 11th June. Andrew Monorgan and son.

David Lyoun, fiar of Camalege, for Andro Monorgun, in £1000, and for Gilbert Monorgun in Forgound, his son, 1000 merks, not to harm Johnne Madin and Andro Madin, tenants of the lands of Easter Pilmour,—Mr. Thomas Rollok, advocate, registering the band, written by Abrahame Piggott, notary, and subscribed at Glammis and Edinburgh, 9th and 11th June, before Johnne Lamby (Lammy) of Dunkeny, Andro Annand, Alexander Wylie, and William Ruthven, servitors to James Prymrois, Archibald Murray and George Fullartoun,—said Abrahame Piggot subscribing for Andro Monorgund. Fol. 235, a.

Thomas Ewin.

Thomas Ewin at the Mill of Ogilvy, as principal, and Johnne Johnestoun, burgess of Dalkeyth, as surety, 200 merks, not to harm Johnne Miller, miller at the Mill of Ratherne. Fol. 235, b.

Edinburgh, 12th June. William Rattray and others.

Sir Johnne Lyndsay of Wodheid for William Rattray in Rannagullane, in 1000 merks, for Johnne M°Intosche *alias* Tailyeour, in 500 merks, and for Johnne Fraser in Drumtrune, in 500 merks, not to harm Alexander Blair of Batheyok, Johnne Findlasoun in Bletoun, Robert Flemyng there, Donald Fraser in Drumfork, Andro Spalding there, Johnne Adamesoun at the Mill of Blakclunane, or William Spalding in Borland,—Mr. Oliver Colt, advocate, registering the band, written by Johnne Traill, clerk of Forfar, and subscribed at Fynnevin, 9th June, before David Lyndsay, son natural of David, Earl of Craufurde, Mr. James Betoun in Polgarrok, Andro Bradie, servitor to the said Sir Johnne, David Lyndsay, son of David Lyndsay in Brechin,—said writer hereof subscribing for William Rattray. Fol. 236, a.

Acta Caut. 1600–1601.

Archibald Hering of Drymmie, as principal, and Archibald Hering, fiar of Drymmie, as surety, £1000, not to harm David, Earl of Crawfurde, George Ramsay of Banff, William Rattray of Rannagullane, and Johnne Rattray in West Forest. Edinburgh, 13th June. Archibald Herron.

Fol. 236, b.

Hary Hepburne, elder, of West Fortoun, as principal, and William Borthuik of Johnestounburne, as surety, £1000, and the said Hary for George Heyg in Denyeltoun, Thomas Broun there, James Alshonner there, Robert Blak there, and William Watt there, £500 merks each, not to harm George Hepburne, portioner of Elstanefurde. Harry Hepburne and his tenants.

James Twedy, apparent of Dreva, for Johnne Madin and Andro Madin, in Pilmour, either in 300 merks, not to harm Andro Monorgun in Forgund, or Gilbert Monorgun, his son. John Madin and Andrew Madin.

Fol. 237, a.

James Douglas in Leyth, as principal, and Patrik Brysone, tailor, burgess of the Cannogait, as surety, 300 merks, to answer before the King and Council upon 19th June instant to a complaint against him by James Cokburne, stabler in Edinburgh, and Gawne Furde, messenger. James Douglas.

Archibald Logane of Coitfeild for Mr. William Fouller, 2000 merks, not to harm William Sinclar of Ethay. Mr. William Fowler.

Fol. 237, b.

Robert Hepburne, fiar of West Fortoun, as principal, and William Borthuik of Johnestounburne, as surety, £1000, not to harm George Hepburne, portioner of Elstanefurde. Edinburgh, 16th June. Robert Hepburne.

Thomas Meldrum of Eden for George Mortymer of Auchinbady, 1000 merks, not to harm Walter Currour of Inchedrour, conform to the King's letters dated at Edinburgh 22nd May last,—Mr. George Tod registering

Fol. 238, a.

the band, written by Mr. Johnne Scott, notary in Banff, and subscribed at Eden 11th June before Andro Meldrum of Darwy, Donald Urquhart, "my servitour," Alexander Broun, "my servitour also," said writer hereof, and Alexander Gordoun, "my servitour alsua." George Mortimer.

Mr. Alexander Barclay, burgess of Banff, for George Barclay in Threipland, £500, not to harm Walter Currour of Inchedrour, conform to the King's letters dated at Edinburgh 22nd May last,—James King,

Fol. 238, b.

advocate, registering the band, written as above and subscribed at Banff 12th June before James Scheround, burgess of Banff, Johnne Stewart in Leyth, James Barclay, and said Mr. Johnne Scott. George Barclay.

Walter Ogilvie, fiar of Dunlugus, for James Stewart of Pitgar (Ryland), £1000, to the effect foresaid,—James King, advocate, registering the band,

Fol. 239, a.

written by George Andersone, burgess of Banff, notary public, and subscribed at Murehill, 12th June, before Gorge Barclay in Threipland, William Duncane, "my servitour," Allaster Monro, "my servitour," and said writer hereof. James Stewart.

Fol. 239, b.

George Hepburne of Elstanefurde, as principal, and Patrik Hepburne of Kirklandhill, as surety, 1000 merks, and both for George Hepburne, son of the said George, £500, and for Richard Grahame in Murehous and William Haistie, tailor in Elstanefurde, 300 merks each, not to harm Hary Hepburne of West Fortoun, or Robert Hepburne, younger, fiar thereof. Edinburgh, 17th June. George Hepburn and others.

Alexander Straittoun of that Ilk for James Strauchane of Monboddow,

James Strachan and his sons.

£1000, and for James Strauchane, his son and apparent heir, and Robert Strauchane, his second son, each in 1000 merks, not to harm James Tullo in Abbatoun,—Mr. Richard Spens, advocate, registering the band, subscribed at Montrois and Arnhuill, 15th and 16th June, before Mr. Andro Arbuthnet, apparent of Fithos, George Strauchane, servant to the said Laird of Monboddow, David Straittoun, son of the said Alexander Straittoun of that Ilk, and Alexander Strauchane, his servant. Acta Caut. 1600-1601. Fol. 240, a.

John Arbuthnot and his son.

Alexander Sibbald of Watterstoun for Johnne Arbuthnet of Mondynis, £1000, and Robert Arbuthnet, his eldest son and apparent heir, 1000 merks, to the effect foresaid,—Mr. Thomas Rollok, advocate, registering the band, subscribed at Mondynis, 14th June, before Thomas Walker, son of William Walker in Nether Kynmonth, James Andersoun in Drumlethie, and James Auchinlek there, notary public, writer hereof. Fol. 240, b.

Earl of Cassillis.

Johnne Chalmer of Sandiefurde and Gilbert Fergussone of Dalduf for Johnne, Earl of Cassillis, to relieve and keep skaithless Niniane Adair of Kinhilt of his cautionary for the said Earl not to harm Johne Kennedy of Baltersane, under the pain of £5000, as the said act dated 28th November last bears,—Mr. Lawrence M^cGill registering the band, written by Gilbert Ros in Mayboill, and subscribed there, 5th June, before Hew Kennedie of Clachantone, Gilbert Ros in Maybole, William Maitland and Thomas Kennedy, servitors to the said Earl. Fol. 241, a.

Johnne Kennedy of Balneill and Hew Kennedy of Grenehorne for the said Earl, in £5000, not to harm Niniane Adair of Kinhilt,—the band registered, written, dated and witnessed as above. Fol. 241, b.

Edinburgh, 18th June. William Ogilvy.

Sir Walter Ogilvy of Findlatter for William Ogilvy, fiar of Baldavie, 1000 merks, not to harm Walter Currour of Inchedrour and his tenants of his lands of Culbirneis and mill thereof, Cowfurde, Lochagin and three fourth parts of the lands of Kilpottis, lying in the parish of Innerboyndie and shire of Banff, conform to the King's letters dated at Edinburgh 22nd May last,—Mr. Alexander Thomesoun registering the band, written by William Mortymer, notary public, servitor to the said Sir Walter, and subscribed at Turreff, 13th June, before Johnne Ogilvy, brother of the Laird of Balfour, Johnne Ogilvy in Raguell, Robert Craigmyle in Blairschynnauch, and the said writer hereof. Fol. 242, a.

Edinburgh, 20th June. George and Andrew Kirkow.

Robert Hunter of Halywode for George and Andro Kirkois in Boigrie, either of them in 500 merks, not to harm Cuthbert Greir of Daskairth.

James Stalker.

Gilbert Pennycuke of that Ilk for James Stalker, writer, 300 merks, not to harm George Ker of Fawdounsyd, or Walter Ker, his brother.

Edinburgh, 23rd June. John Hamilton and others.

Johnne Hammiltoun of Aikinheid, as principal, and Alexander Stevinsoun of that Ilk and Johnne Maxuell of Southbar, as sureties; Stevinsoun, as principal, and Laird of Aikinheid, Johnne Maxwell of Southbar, and Alexander Hammiltoun of Haggis, as sureties; Laird of Haggis, as principal, and Stevinsoun and Lairds of Aikinheid and Southbar, as sureties; Lairds of Aikinheid, Stevinsoun, Haggis and Southbar for Robert Hammiltoun, son of the Laird of Aikinheid, Johnne Cors, elder in Aikinheid, Johnne and James Hammiltonis, sons of the Laird of Haggis, Johnne Fol. 242, b.

Acta Caut. 1600–1601.

Hammiltoun, his servant, William Stevinsoun, brother of the said Alexander, Johnne Crawfurd, younger, bailie of Monkland, Mr. Patrik Walkinshaw, minister, James David in Newlandis, and Robert Boyde in Clerkland,—not to harm James Broun in Coitdyke, James and Charlis Brounis, his sons, James Broun, his brother, James Broun, his brother-son, James Moffet in Cairnehill, and ~~Gilbert~~ Broun, under the pains following:—Lairds of Aikinheid, Stevinsoun, and Haggis, and Bailie of Monkland,

Fol. 243, a.

500 merks each; Robert, Johnne and James Hammiltonis, and William Stevinsoun, 300 merks each; and each of the rest 100 merks.

Allan MacIan.

George Elphingstoun of Ballabeg (Belenbeg) for Allane M^cEan in Ballochquhindochy, 300 merks, to answer upon 22nd July next for his lying at the horn. Accordingly, the letters executed against him are suspended to 31st July next, and the Treasurer and Advocate are ordained to be warned to 22nd July.

Master of Ogilvy.

Sir Johnne Ogilvy of Innerquharitie, James Ogilvy of Balfour, and Mr. David Ogilvy, fiar of Petmowis, for James, Master of Ogilvy, £10,000, that he and all those who were with him at the conflict with Alexander, Lord of Spynie shall, within 48 hours after the charge, enter in ward in the

Fol. 243, b.

burgh of Hadingtoun, and remain there till they receive his Majesty's direction anent their coming to trial on 15th July next,—the principal and sureties registering the band, subscribed at the Cannogait, 22nd June, before Alexander Ogilvy, Johnne Irnis, and Thomas Peirsoun, servitors to the said Master.

Edinburgh, 24th June. Claud Hamilton and James Logan.

Claud Hammiltoun of Cochna, and James Logane, clerk of the Cannogait, having, by an act dated 22nd March, become bound in £1000 for Donald Campbell of Dronghie not to harm Awla M^cCawlay of Durling, the said Donald, and Johnne Campbell, his son and apparent heir, oblige themselves to warrant and relieve the said sureties,—Mr. Lawrence

Fol. 244, a.

M^cGill, advocate, registering the band, subscribed at Ralgain, 11th April 1599, before Robert Campbell, son of the Bailie, Dougall Campbell, servant to the Laird of Ardinkinglas, and Patrik Telfir, servant to Claud Hammiltoun of Cochno.

Edinburgh, 25th June. William Carmichael.

William Carmichaell of Reidmyre, as principal, and James Inglis of Braidlie, and David Weir, younger of Auchtifardill, as sureties, not to harm Andro Haddo, George Haddo, Johnne Haistie, Johnne Forsyth, George Scott, James Scott, Moreis Rewll, Andro Ferme, under the pains contained in the letters executed against him.

Fol. 244, b.

Alexander Fraser.

Johnne Kennedy of Collynart, burgess of Banff, for Alexander Fraser, younger, son and apparent heir of Sir Alexander Fraser of Phillorth and Fraserisburgh, 2000 merks, not to harm Walter Currour of Inchedrour,—Mr. Johnne Nicolsoun, advocate, registering the band, subscribed at Fraserisburgh, 12th June, before Walter Fraser, brother of the Laird of Phillorth, William Pettindreych, bailie of Fraserisburgh, William Birny, burgess there, Cuthbert Fraser there, Johnne Thomesoun, and Johnne Symsone, clerk of the said burgh, notary public, and writer hereof.

Sir Alexander Fraser.

Johnne Symsone, common clerk of Fraserisburgh, for Sir Alexander

Fraser of Phillorth, £2000, to the effect foresaid,—the band registered and dated as above, and witnessed by the said Walter Fraser, Johnne Kennedy of Cowynart, William Birny, Cuthbert Fraser, and Johnne Thomesoun. Acta Cant. 1600–1601.

Edinburgh, 26th June. James Hamilton.

James Hammiltoun of Libbertoun having become surety in £10,000 for Sir James Johnestoun of Dunskellie, to underlie such order as shall be laid to his charge when required, as the act made thereupon, dated at Edinburgh 2nd January, bears, James Johnestoun of Westraw obliges himself to keep skaithless the said surety of this cautionary,—Mr. Thomas Craig, advocate, registering the band, subscribed at Lochwode, 18th January 1595, before Thomas Kirkpatrik of Closburne, Thomas Padyone of Newtoun, and Mathew Wilsone of Croglin. Fol. 245, b.

Edinburgh, 27th June. James Tulloch.

David Tulloch, fiar of Craignestoun, for James Tulloch in Abbatoun, 1000 merks, not to harm Johnne Arbuthnot in Mondynis,—Mr. Johnne M°Gill, advocate, registering the band, subscribed at Odmanstoun, 23rd June, before Thomas Clerk, servitor to the said James, Johnne Suter, "my servitour," and Andro Arthour.

William Thomson and Mr. Thomas Urquhart.

James Dumbar of Little Suddy, and Mr. Johnne M°Kenzie, minister at Dingwill, for William Thomesoun in the Chanonry, and Mr. Thomas Urquhart, minister at Arderseir, either in £500, not to harm Robert Leslie, burgess of the Chanonry, Johnne, George and Alexander Leslyis, his sons. Fol. 246, a.

Edinburgh, 28th June. Thomas MacAlexander. Robert Mure.

Thomas M°Alexander of Corsclayis, as principal, and Andro Stewart of Craighous, as surety, £2000, not to harm Johnne Kennedy of Blairquhan.

Blair of that Ilk, Neill Montgomery of Langschaw, and Adame Quhytfurde of Miltoun, for Robert Mure of Cauldwell, that, on being released furth of his present ward, he shall remain in the burgh of Edinburgh and in the Cannogait till he fulfil the following conditions, and thereafter he be freed by his Majesty, under the pain of 10,000 merks,—to wit, that, within eight days hereof, he shall pay to Johnne Reid in Kittoksyde 500 merks in part payment of the decree, obtained by Reid against him, and also that he shall find the said Lairds of Blair, Langshaw and Milntoun, together with James Mure of Thornetoun and Robert Hamiltoun of Cathkin, sureties for his paying by 11th November next to Reid the sum of 1015 merks, in full payment of the said decree. Fol. 246, b.

The Lairds of Blair, Langschaw and Miltoun for the said Robert Mure, 5000 merks, not to harm the said Johnne Reid, who accordingly has discharged all former acts of lawborrows found to him by Mure, without prejudice of the warrandice of the lands of Kittoksyde set to him in feu by the said Laird of Cauldwell.

Walter Currour and his son.

Stevin Currour, fiar of Logymegle, for Walter Currour of Inchedrour, £1000, and for George Currour, fiar thereof, 1000 merks, not to harm Alexander Fraser of Phillorth, Alexander Fraser, his son and apparent heir, James Stewart of Ryland, and Alexander Stewart in Ryland,—Mr. David Guthrie, advocate, registering the band, subscribed at Edinburgh and Balgruge, 26th and 27th June, before Alexander Wylie, William Ruthven, writer hereof, servitors to James Prymrois, Johnne Nevay, Alexander Lovell, and Thomas Currour. Fol. 247, a.

cta Caut. 500–1601.

Stevin Currour, fiar of Logymegle, for Walter Currour of Inchedrour, 1000 merks, and for James Mar in Easter Culbirny, Patrik Cordiner at the Mill of Wester Culbirny, Andro Barclay there, and Marcus Wilsoun there, his tenants, 300 merks each, not to harm William Ogilvy, apparent of Baldavie,—the band registered, dated and witnessed as above. Walter Currour and his tenants.

ol. 247, b.

Aula M^cCaula of Ardincaple for Hector M^cAllaster, 1000 merks, to keep ward in the burgh of Edinburgh or the Cannogait till relieved by his Majesty. Holyrood, 28th June. Hector MacAllaster.

Archibald Carswell of Carnestrie for Archibald Campbell of Barbrek, £1000, not to harm Angus Campbell of Kintraw. Edinburgh, 30th June. Archibald Campbell.

ol. 248, a.

Adame Aslois, fiar of that Ilk, for Colonel David Boyde of Tourgill, 1000 merks, not to harm dame Margaret Colquhoun, Lady Boyde, Mathew Small, or Archibald Maikin, conform to the King's letters dated at Edinburgh, 6th May 1600,—Mr. Robert Lermonth, advocate, registering the band, subscribed at Kilmarnok, 22nd June, before Gilbert Mure in Nig, William Mure, servitor to William Mure of Rowallane, Johnne Stewart, "my servitour," and Hew Powar, notary, writer hereof. Colonel Boyd.

Archibald Carswell of Carnastrie having become surety for Archibald Maxwell (? Campbell) of Parbrek, in £1000, not to harm Angus Campbell of Kintra, the said principal obliges himself to keep his surety skaithless in the premisses,—Mr. Thomas Craig, advocate, registering the band, witnessed by Coline Campbell, "my servand," Donald Watsoun, servitor to the said Archibald, and James Kincaid, notary. Archibald Campbell.

ol. 248, b.

William Rattray of Rannagullane, as principal, and Sir Johnne Lindsay of Ballinsho, as surety, and both for James Rattray, eldest son of the said William, either of them in £1000, not to harm Archibald Hering of Drymmie. William Rattray and son.

Robert Ramsay of Wyliecleuch for Alexander Nymmill, grieve in Edmestoun, 100 merks, to answer upon 24th July instant to a complaint against him by Allasoun Edmestoun, relict of Archibald Edmestoun of Wowmat, touching the alleged ravishing of her,—Andro Edmestoun of that Ilk becoming surety in relief. Edinburgh, 4th July. Alexander Nimmill.

ol. 249, a.

Andro Stewart of Craighous, as principal, and Thomas M^cAlexander of Corsclayis, as surety, 1000 merks, and both for Johnne Baird in Lochsyde and Hew Baird, his brother, either in 500 merks, not to harm Johnne Wilsoun. Andrew Stewart and others.

Fol. 249, b.

Patrik Cochrane, merchant, burgess of Edinburgh, for James Moffett in Cairnehill, and James Petticreuch of Nether Coittis for James Broun, elder in Coitdyk, James and Charlis Brounis, his sons, and James Broun, his brother, 100 merks each, not to harm Johnne Hamiltoun of Aikinheid, Robert Hamiltoun, his son, Johnne Hamiltoun, his son natural, Johnne Cors, elder, in Aikinheid, Alexander Hamiltoun of Haggis, Johnne and James Hamiltonis, his sons, Johnne Hamiltoun, his servant, Johnne Maxwell of Soubar, Alexander Stevinsoun of that Ilk, William Stevinsoun, his brother, Johnne Crawfurd, younger, bailie of Monkland, Mr. Patrik Walkinshaw, minister, James Davie in Newlandis, Robert Boyde in Clerkland. Edinburgh, 5th July. James Moffat and others.

Alexander Hay and others. Alexander Hay of Dalgattie, as principal, and George Sincler of Maii, as surety, and both for Barbara Forbes, Lady Pittarry, spouse of the said Alexander, 2000 merks for husband and wife, and for James Naper, their tenant, £100, not to harm Johnne Allardes, younger of that Ilk. Acta Caut. 1600 1601. Fol. 250, a.

John MacCome. Johnne Kennedy of Blairquhan for Johnne M°Come in Constable land, not to harm Johnne Mure of Auchindrane, under the pains in the letters executed against him.

Lord Spynie. Alexander, Lord of Spynie, as principal, and Hary Lindsay of Carestoun and Sir Johnne Lindsay of Ballinscho, as sureties for him, £10,000, that the said principal, within 48 hours after the charge given to him, shall enter in ward in the burgh of Lynlithqu and shall remain there till he receive his Majesty's direction anent his presenting himself to trial on 15th July next, the day assigned for this effect,—Mr. David Aytoun, advocate, registering the band, subscribed at Edinburgh, 30th June, before David Balfour, Robert Guthrie, Thomas Guthrie, and Alexander Lyndsay. Fol. 250, b.

Edinburgh, 7th July. Katherine Haliburton and her son. George Haliburtoun of the Mill of Kethinis for Katherine Haliburtoun, liferenter thereof, and Robert Pittilloch, her son, either of them in £1000, not to harm Duncane Robertsoun of Duncaven or Johnne Robertsoun *alias* Tarloch in Lattoun.

Gilbert Gray and others. Gilbert Gray in North Bundirrane, as principal, and Williame Browne in Pokmilne, Robert Guthrie of Kinblathmont, and Williame Spalding at the mill of Kythik, as sureties for him, £1000, and the said Williame Browne, as principal, and Gray, Guthrie and Spalding, as sureties for him, £1000, and the said principals and sureties for Patrik Gray, son of the said Gilbert, £500, not to harm Thomas Gray in Littiltoun or William Gray there. Fol. 251, a.

Gilbert Brown. James Broun, elder in Coitdyke, for Gilbert Broun in Monkland, 100 merks, not to harm Johnne Hamiltoun of Aikenheid and his colleagues abovewritten (*ante*, p. 655). Fol. 251, b.

James Brown. Thomas Petigrew, merchant, burgess of Glasgu, for James Broun, weaver, son of Johnne Broun, burgess of Glasgu, 100 merks, to the effect foresaid,—Mr. Robert Young registering the band, written by George Huchiesoun, notary, and subscribed at Glasgu, 6th July, before James Broun in Coitdyke, James Broun, his son, Gilbert Weddropt, burgess of Glasgu, and the said George Huchiesoun. Fol. 252, a.

Edinburgh, 8th July. John Paton. Johnne Patoun of Middle Bellilisk, as principal, and James Maistertoun, merchant, and Hew Mekiljohnne, locksmith, burgesses of Edinburgh, 1000 merks, not to harm Johnne Johnestoun of Wester Bellilisk.

Edinburgh, 9th July. John Kennedy. Johnne Kennedy, elder of Blaquhane, as principal, and Neill Montgomerie of Langschaw, as surety, 300 merks, not to harm Jonet Kennedy, relict of Andro M°Alexander of Drumchryne.

Thomas Inglis and others. Johnne Hammiltoun of Prestoun for Thomas Inglis of Murdestoun, £1000, James Hamiltoun of Swenstie, 1000 merks, Johnne Lychtbody in Schawis, Johnne Hamiltoun, son of Robert Hamiltoun of Peddirsburne, and Thomas Inglis in Cassillhill, 500 merks each, not to harm Elizabeth Blair, relict of James Crawfurd of Kipbyre, James Craufurde, now of Kipbyre, her son, Charlis and Robert Craufurdis, his brothers. Fol. 252, b.

Acta Caut. 1600-1601.

David Rollok of the Powis for James Gib of Carribber, 2000 merks, James Gib, his son and apparent heir, £1000, and Robert Gib, also his son, £500, not to harm Mr. Thomas Craig, advocate; also, for the said James Gib, elder and younger, either of them in £1000, and for the said Robert in £500, not to harm Henry Levingstoun of Greneyairdis. Edinburgh, 11th July. James Gibb and his son.

Fol. 253, a.

Williame Dumbar of Enterkin for James Hamiltoun in Blantyre, 500 merks, not to harm Johnne and David Warnokis, sons of the late Johnne Warnok in Kittoksyde. Edinburgh, 12th July. James Hamilton.

Johnne Lundy of Lochsyde for Henry Mathew in Muredrum of Ardestie, Andro Craufurde there, and Johnne Ramsay there, 500 merks each, not to harm Henry Ramsay of Arduny and Johnne Ramsay in the Lawis. Henry Matthew and others.

Johnne Johnestoun of Wester Bellilisk, as principal, and James Maistertoun, merchant, burgess of Edinburgh, as surety, 1000 merks, and both for William Arnote in Wester Leyis, Hector Robertsoun in Welholme and Andro Westwode in Hoilburne, 100 merks each, not to harm Johnne Patoun of Middle Bellilisk. John Johnstone and others.

Fol. 253, b.

Johnne Irwing of Kynnok for Walter Innes of Innerbraky and James Innes, his son and apparent heir, either of them in £1000, not to harm Johnne Vaus of Lochslyne,—Mr. George Tod registering the band, Fol. 254, a. subscribed at the Chanonry of Ros, 9th July, before Johnne M^cCulloch in Tollie, James Pedder in the Chanonry, Donald M^cKay in Furdone, and Adame Dumbar, notary public. Edinburgh, 15th July. Walter Innes and his son.

Johnne Forbes, portioner of Fintray, for Mr. William Reid, burgess of Aberdene, and Johnne Broun in Tullibredleis, to pay to the sheriff principal of Aberdene 1000 merks, wherein they were unlawed for their non-entry of Alexander Broun, sometime in Straquharrie, before the said sheriff in the tolbooth of Aberdene upon 12th instant, to underlie the law for the slaughter of Archibald Wilsoun and Johnne Simsoun,—in case it shall be found that they were lawfully adjudged for his non-entry. Edinburgh, 16th July. William Reid and John Brown.

Fol. 254, b.

Johnne Maitland, fiar of Auchingassill, and Johnne M^cCaig at the Kirk of Tynrune, for Bartilmo Smart in Monquhirne, not to harm Thomas Hunter in Clonrae, or Robert Hunter, his brother, under the pains contained in the letters executed against him. Edinburgh, 19th July. Bartholomew Smart.

Mr. Johnne Ros of Little Tarrell for Nicolas Ros of Pitcalny, 4000 merks, not to harm Walter Innes of Innerbraky,—Mr. Johnne Nicolsoun, Fol. 255, a. advocate, registering the band, subscribed at Little Tarrell, 10th July, before Alexander Clunes of Gany, Johnne Forester in Tarrell, and Finla Mansoun, minister at Nig. Nicolas Ross.

Petir Rolland in Ardestie, as principal, and Cuthbert Mure, farrier to his Majesty, as surety, not to harm Henry Ramsay of Arduny or Johnne Ramsay in the Lawis, under the pains in the letters executed against the said Petir. Peter Rolland.

Thomas Porteous of Glenkirk for Mr. Johnne Twedy of Winkistoun and Elizabeth Hamiltoun, Lady Stanhous, his spouse, £1000, not to harm Johnne Clerk, Johnne Wylie, Thomas Fultoun, Gotra Fultoun, Mr. John Tweedy and spouse.

Johnne Stewart, and William Andersoun, tenants and indwellers in the Upwode of Baith. Acta Caut. 1600-1601.

Robert Traill and others. Petir Rolland in Ardestie for Robert Traill there, James Crawfurd there, Alexander M^cKie there, and Margaret Davidsoun there, not to harm Henry Ramsay in Ardewny or Johnne Ramsay in the Lawis, under the pains in the letters executed against them. Fol. 255, b.

Edinburgh, 21st July. John Fergu-son. Johnne Fergussone of Craigdarroch, as principal, and Johnne Fergussone of the Ile, as surety, 1000 merks, not to harm Cuthbert Greir of Dalskairth or Johnne M^cCall in Glendan.

Donald MacWilliam. James Innes, apparent of Innerbraky, for Donald M^cWilliam M^cCondoquhy in Balnaga, 500 merks, not to harm Nicolas Ros of Pitcalny.

Lord Maxwell. Sir James Maxwell of Calderwode, Johnne Wallace of Cragy, Patrik Maxuell of Newwerk, Sir Johnne Hammiltoun of Letrik, and Edward Maxuell of Tynwall, for Johnne, Lord Maxuell, 10,000 merks, to repair, within 48 hours after the date hereof, to Johnne, Marquis of Hammiltoun, and remain with him during the next six months, or at least not to resort within the bounds of Nithisdale, Annanderdale or Galloway, without the King's license,—the said Lord, with consent of his curators subscribing, becoming surety in relief. Cornelius Tennent, advocate, registers the band, subscribed at Edinburgh 20th July before Johnne Maxuell of Conhaith, Alexander Maxuell of Balgreddane, James Hammiltoun of Stanehous, Johnne Maxwell of Aikinheid, Cassillis, curator, Kirkconnell, curator. Fol. 256, a.

Walter Innes. Johnne Irwing of Kynnok for Walter Innes of Innerbraky, £1000, not to harm Nicolas Ros of Pitcalny,—Mr. George Tod registering the band, written by Adame Dumbar, notary public, and subscribed at the Chanonry of Ros, 17th July, before David Carnegy, elder, burgess of the Chanonry, William Hay, reader there, James Peder there, and the said writer hereof. Fol. 256, b.

Town of Banff. Mr. Thomas Ogilvy of Innerrychtnie for the provost, bailies, council and inhabitants of the burgh of Banff, not to harm Walter Currour of Inchedrour, conform to the ordinance made by the Lords of Secret Council of date 1st July last (*ante*, p. 125),—Mr. Alexander King, advocate, registering the band, subscribed at Banff, 15th July, before George Ogilvy of Carnowseis, Thomas Mortymer in Casteltoun, Mathew Stewart in Ordingis, and Donald Urquhart, notary, writer hereof. The band is likewise subscribed by the said surety, and by George Ogilvy, provost, George Baird, bailie, James Currour, bailie, Gilbert Baird, James Baird, Mr. George Chalmer, Williame Duncanesoun, William Craig, James Schecound, and George Currour, all councillors, of Banff, and Mr. A. Scott, notary public, common clerk of the said burgh, for the principals. Fol. 257, a.

Edinburgh, 24th July. James Stalker. James Stalker, writer, as principal, and Johnne Ker of Lumphoy and Gilbert Pennycuke of that Ilk, as sureties, £500, not to harm George Ker of Fawdounsyde, or Walter Ker, his brother. Fol. 257, b.

Edinburgh, 25th July. Patrick Nimmo Claud Hammiltoun of Over Torrence for Patrik Nimmok, tailor, burgess of Edinburgh, 500 merks, not to harm William Dinguill, servitor to Sir James Elphingstoun of Barnetoun, secretary.

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Sir Johnne Ogilvy of Inuerquharitie for David Ogilvy of Kynnaltie and Johnne Ogilvy of Balnagarrow, 1000 merks each, not to harm Johnne Lyoun of Cosynis, Johnne Lyoun, his son and apparent heir, and James Pigot, Johnne Reid, Robert Gem, and Johnne Sand, their tenants of the lands of Kyntyre,—Mr Oliver Colt registering the band, written by Mr. Walter Schewnan (Schewan), notary, and subscribed at Kirmure and Ballanter, 22nd and July, before Johnne Pigot in Keremure, Patrik Cabell, reader, and David Ogilvy, servitors to the said Sir Johnne. Edinburgh, 26th July. David and John Ogilvy.

Duncane M^cAirthour, captain of Inchhonnill, for Angus Campbell of Kintra, £1000, not to harm Archibald Campbell of Barbrek. Angus Campbell.

Vol. 258, b.

Sir Hew Carmichaell of that Ilk for Williame Carmichaell of Reidmyre, 300 merks, to appear and answer before the King and Council upon 12th August to a complaint made against him by Johnne Lyndsay, younger of Covintoun. Linlithgow, 28th July. William Carmichael.

Robert Erskin of Ardestie, as principal, and Mr. Arthour Erskin, burgess of Montrois, and William Urrie of Myldowrie, as sureties for him, £1000, not to harm Henry Ramsay of Arduny or Johnne Ramsay of Lawis. Edinburgh, 29th July. Robert Erskine.

Mr. James Durhame of Duntarvie for James Ros in the North Mains of Tortraven (of Nuik), £1000, not to harm Patrik Calder, portioner of Morwingsyd, or William Calder, his brother. James Ross.

Vol. 259, a.

Patrik Caddell in the Hill of Moranesyde, as principal, and Patrik Barroun, portioner of Auldlistoun, as surety, 500 merks, not to harm James Ros in the North Mains of Tortraven. Edinburgh, 30th July. Patrick Caddell.

Johnne Gordoun of Buckie for Walter Ord, portioner of the Ord, 1000 merks, not to harm Walter Currour of Inchedrour,—Mr. Robert Lyntoun, advocate, registering the band, written by Mr. George Chalmer, notary public, and subscribed at Banff and Bukkie, 18th and 19th July, before James Keyth, son of Robert Keyth in Brangand, George Clerk, son of Mertine Clerk in Ryland, said writer hereof, George Ramsay and Johnne Gordoun, servitors to said Johnne Gordoun. Walter Ord.

Vol. 259, b.

Lawrence Banerman of Cardnyis for Andro Banerman in Dunkeld, 500 merks, not to harm Thomas Wallendy of Drumboy,—Mr. Thomas Rollok, advocate, registering the band, written by Thomas Mershell, notary in Dunkeld, and subscribed at Dunkeld, 28th July, before Johnne Stewart, fiar of Arnetullie, George Banerman, apparent of Cardnyis, Donald Robertsoun, smith in Dunkeld, James Banerman, son of the said Andro, and said writer hereof. Andrew Bannerman.

Vol. 260, a.

James Innes of Mynneny, as principal, and Alexander Hay of Delgatty, as surety, £1000, not to harm William Hay of Mayne, James Douglas in Elgin, Mr. Alexander Douglas, minister there, George Douglas, minister at Dolles, Hew, Mr. Johnne, Mr. Gawin and Archibald Douglassis, their brothers; also, to pay to the Treasurer £40 for his escheat within 40 days hereof, or else obtain nullity of the horning executed against him. Edinburgh, 31st July. James Innes.

Vol. 260, b.

George Seytoun of Monkmiln for Archibald Forrest, maltman in

Edinburgh, 1st August. Archibald Forrest.

Dirltoun, and Allasoun Symsone, his spouse, 300 merks, not to harm George Haliburtoun of Cokilmyln, George Tod in Dirltoun, James Lugtoun there, David and James Lugtonis, his sons, George Schives in West Fentoun, James, Patrik, George, and Williame Schivessis, his sons. Acta Cant. 1600-1601.

Edinburgh, 4th August. William Veitch.

William Vetche of Kingsyde, as principal, and Andro Vetche of Stewartoun, as surety, £1000, not to harm Johnne Hay of Smeithfield, Johnne Hay, his second son, Johnne Broun in Wester Hoprew, James Broun, his son, or Thomas Broun there. Fol. 261, a.

William Dunbar and others.

William Dumbar, portioner of Hemprigis, Johnne, James and Alexander Dumbaris, his sons, Henry Fraser and Johnne Baxter, his servands, and Johnne Forbes, servant to the said Johnne Dumbar, having been charged, by letters of date at Edinburgh 9th July last, to find caution not to harm Mr. James Dundas, minister at Alves and Langbride, under the pains following,—viz., William Dumbar £1000, Johnne Dumbar, his eldest son, 1000 merks, and each of the others £500,—intend to raise suspension of the said letters: (1) because the executioner of the said letters is charged therein to take the minister's oath that he dreads bodily harm at the hands of the said William and his colleagues above-written, and this has not been done, the minister being in Edinburgh and the officer in Murray; (2) because the messenger has not delivered a copy of the charge to any of the foresaid persons, save only William Dumbar, so that they are ignorant of the contents of the said letters; (3) because William Dumbar and his colleagues are charged to find caution in greater sums than are prescribed in the Act of Parliament dated 21st July 1593,—according to which William Dumbar, being only a feuar, should be unlawed only in 500 merks, his sons, being but bairns, only in 200 merks, while the said Henry Fraser is "not abone the estate of a cotter," and the remanent persons are "servandis and to flit at Mertymas nixt," and therefore the said William Dumbar cannot be charged to find lawsurety for *them*. Therefore, and for other reasons to be proponed in the suspension, Johnne Gordoun of Leichestoun becomes surety for the said persons that they shall obey the decree to be pronounced anent the lawsurety to be given by them to the said minister, and in the meantime that they shall not harm him, under the pains following: viz., William Dumbar £1000 Johnne Dumbar, his eldest son, 1000 merks, and each of the others £500. Mr. Thomas Mawer, advocate, registers the band, written by Johnne Donaldsone, notary public in Elgin, and subscribed at Elgin, 28th July, before William Gordoun, portioner of Foirnachtie, George Gordoun, "my sones," George Cumyng, burgess of Elgin, and the said writer hereof. Fol. 261, b. Fol. 262, a.

Edinburgh, 6th August. Henry Crawford.

Henry Crawfurd in Overwell, as principal, and Johnne Workman, painter, burgess of Edinburgh, as surety, 300 merks, not to harm James Lermont of Derssy, David Hird, Robert Kinnall and Alexander Burt. Fol. 262, b.

John Hamilton and others.

James Crawfurd of Kipbyris and Johnne Finla in Roinone for Johnne Hamiltoun of Orbistoun, £1000, and for Thomas Hammiltoun, Charlis Craufurd, Robert Crawfurd, Elspeth Blair, and James Cleland, 500 merks each, not to harm Thomas Inglis of Murdestoun, James Hammiltoun of Swinstie,

ta Caut. 00–1601.

Johnne Lichtbody in Schawis, Gilbert, William, and Johnne Lichtbodyis, his sons, Johnne Hammiltoun, son of Robert Hammiltoun, of Peddirsburne, Robert Hammiltoun and Thomas Inglis in Cassill.

l. 263, a.

Johnne Scot, portioner of Easter Casha, for Thomas Finlasoun in Blair of Forth, 300 merks, not to harm James Leirmonth of Dersy, heritable proprietor of the lands of Pittindreich, David Hird, Robert Kynnell, and Alexander Burt, tenants and occupiers thereof. Falkland, 7th August. Thomas Finlayson.

Johnne Hendirsoun in Airlarie, as principal, and David Congiltoun there, as surety, *et vice versa*, and both for Cristiane Reidburne, mother of Hendirsoun; Henry Quhyte in Airlair, as principal, and Henry Hird, as surety, *et vice versa;* and Hird for Bessie Moreis, relict of David Burt in Ellerie, and for Henry Waderspoun there:—all in 300 merks each, to the effect foresaid. John Henderson and others.

l. 263, b.

Alexander Balcanquell of that Ilk for Alexander Coupair and Thomas Coupair in Burnegrange, and Mairjorie Coupair in Cuthill, 300 merks each, also to the effect aforesaid. Alexander and Thomas Coupar.

Richard Maxwell, portioner of Karcraigis, for Johnne Elder in Cuthill, 300 merks, also to the effect foresaid. Falkland, 8th August. John Elder.

l. 264, a.

David Reid of Auchinheid for Patrik Hendirsoun in Blair of Forth, Johnne Crambie there, Thomas Crambie there, William Skynner there, Robert Restoun there, and Thomas Hendirsoun in Kellonoquhy, 300 merks each, also to the effect foresaid,—Mr. Robert Young registering the band, subscribed at Aikinheid, 11th August, before William Lawsoun and Adame Reid. Edinburgh, 11th August. Patrick Henderson and others.

Mr. William Leslie of Mekilwarthill (Warthill) for Patrik Leslie, portioner of Chappeltoun of Lesk, and Johnne Leslie, his son and apparent heir, £1000, not to harm Patrik Leslie of that Ilk,—Mr. Johnne Dempster registering the band, written by Waltir Innes, notary public, and subscribed at Tillifour, 14th August, before Waltir Haliburtoun, servant to the said Mr. William Leslie, Mannis (Magnus) Gellan in Tillifour, and said writer herof,—the last subscribing for Patrik Leslie in Chapeltoun. Edinburgh, 18th August. Patrick and John Leslie.

l. 264, b.

Alexander Blair, apparent of Batheyok, provost, and Olipher Young, bailie, of Perth, for Henry Elder, common clerk of Perth, James Bowair, David Rynd, and Patrik Scheill, burgesses there, 500 merks each, to answer before the King and Council when required touching their "undeutifull behaviour the tyme of intendit executioun of the tressonable conspiracie aganis his Majesties persone be umquhill the Erll of Gowrie and his brother." Falkland, 20th August. Henry Elder and others.

ol. 265, a.

William Murray of Abircarirney for Johnne Miller at the mill of Blakfurde, 200 merks, not to harm Thomas Ewing at the mill of Blakfurde. Falkland, 21st August. John Miller.

Mr. Walter Shewane, notary in Kerymure, for Johnne Lyell in Migvie, 1000 merks, not to harm Johnne Spalding in the Hill of Killimure, or Alexander Spalding, his brother-son. Edinburgh, 25th August. John Lyell.

ol. 265, b.

James Ogilvy of Balfour for Johnne and Olipher Ogilvyis, his brothers, Johnne Irnis in Knockinnie (? Kinclune), and Alexander Irnis, his brother, 1000 merks each, and for Mr. Walter Schewane, notary in John Ogilvy and others.

Keremure, £1000, not to harm the said Johnne Spalding and Alexander Spalding,—Mr. Olipher Colt registering the band, subscribed at Balfour, 22nd August, before James and Johnne Ogilvyis, "my sones," Oliver Ogilvy, Oliver Ogilvy in Kirktoun, Alexander Pigot in Keremure, and the said Mr. Waltir Schewane, notary, writer hereof. Acta Cant 1600-1601

Glasgow, 1st Sept. Robert Semple.

Robert Semple of Foulwode, as principal, and William Semple of Dalmaok, as surety, £2000, not to harm Beatrix Noble, relict of Johnne Wode of Geilstoun, or Johnne Barclay, now her spouse. Fol. 268,

Edinburgh, 3rd Sept. James Foulis and others.

James Foullis, elder of Colintoun, as principal, and Mr. James Fowlis, his son and apparent heir, as surety, *et vice versa*, either in 3000 merks, and both for Thomas Hodg in Lumploy and George Younger there, either of them in 400 merks, not to harm Johnne Levingstoun of Belstane, Alexander Levingstoun, his second son, William Purdie in Balleny, Robert Scot there, William Blithman there, and William Hendersoun, tenants of the said Johnne and Alexander Levingstones. Fol. 265,

Edinburgh, 8th Sept. George Haliburton.

Robert Hepburne of Over Hailles for George Haliburton of Cockilmylne, £500, not to harm Alexander Robiesoun of Willisburne. Fol. 266,

Edinburgh, 9th Sept. David Winchester and Edward Thomson.

Alexander Winchester of Kynglessie for David Winchester, citizen of Sanctandrois, 1000 merks, and for Edward Thomesoun, mariner there, 500 merks, not to harm Niniane Johnestoun, indweller of the said city,—Mr. George Wauchop registering the band, written by Mr. Magnus Arthour, notary public in Sanctandrois, and subscribed there, 6th September, before Johnne Buchannane, baxter, citizen there, and said writer hereof. Fol. 266,

John Buchanan.

William Buchannane of Drummekill for Johnne Buchannane in Sanctandrois, 500 merks, not to harm Niniane Johnnstoun, "cherurgener" in Sanctandrois,—Mr. George Wauchop registering the band, subscribed at Drumnekill, 2nd September, before Johnne Dow MacLeuriche, William Buchannane, "my father brother," James Maknicall, "my servand." Fol. 267,

Alexander Winchester.

David Winchester, citizen of Sanct Androis, for Alexander Winchester there, 500 merks, to the effect foresaid,—Mr. George Wauchop registering the band, written by Mr. Magnus Arthour, and subscribed at Sanctandrois, 6th September, before Johnne Buchannane, baxter, citizen there, and said writer hereof. Fol. 267,

John Spalding.

Andro Spalding of Aschentullie for Johnne Spalding of the Hill of Keremure, £1000, not to harm Johnne and Oliver Ogilvyis, brothers of James Ogilvy of Balfoure, Johnne Irnis in Kinclune, Alexander Irnis, his brother, Mr. Waltir Shewane, notary in Keremure, or Johnne Lyell in Migvie,—Mr. Umphra Blensele, advocate, registering the band, written by David Wilsoun, notary, and subscribed at Aschentullie, 7th September, before Robert Moir, David Chaikiters, servants to the said Andro, James Bellie, servant to the said Johnne, and William Spalding, notary public. Fol. 268,

Mr. James Dundas.

Alexander Gordoun of Oxhill for Mr. James Dundas, chantor of Murray, £2000, not to harm William Dumbar of Hemprigis,—Mr. Robert Young registering the band, subscribed at Aves, 21st August, before J. Hay of Lanneff, J. Lyll, minister at Rothven, and Charlis Geddis, schoolmaster there. Fol. 268,

Acta Caut. 1600-1601.

Johnne Chartres of Kinfawnis for Henry Rattray of Kincaroquhy, 500 merks, not to harm Marioun Reidheuch, relict of Alexander Bonar of Colcuchar,—Mr. Alexander Peblis, advocate, registering the band, written by Henry Broun, notary public in Perth, and subscribed at Pitsindie, 13th September, before Thomas Burall, burgess of Perth, James Wilsoun, servitor to the said Johnne Chartreis, Alexander Grahame, servitor to the Archdeacon of Dunblane, and said writer hereof. Edinburgh, 14th Sept. Henry Rattray.

Fol. 269, a.

Alexander Hay in Corthecrome for George Knox in Kynadie, not to harm William Knox in Little Creichie, under the pains in the letters executed to that effect,—Mr. Isaak Broun registering the band, subscribed at Turreff, 2nd September, before Alexander Hay in Damheid, Johnne Hay in Cremond, William Ogstoun in Turreff, notary and writer hereof. Edinburgh, 15th Sept. George Knox.

Fol. 269, b.

Johnne Hay of Urie for Alexander Hay in Corthecrom to the effect foresaid,—the band registered and dated as above, and witnessed by the said Alexander Hay, William Ogstoun, and Robert Graden, "my servand." Alexander Hay.

Johnne Stenhop of Stenhopmylnes for William Stenhnop in Leidmynes, 500 merks, not to harm Thomas Foullis, goldsmith, burgess of Edinburgh. Linlithgow, 16th Sept. William Stenhope.

Fol. 270, a.

Alexander Douglas of Maynis for Mathew Montgumrie in Balschaigrie, Johnne, Gabriell and James Montgumreis, his brothers, and Bartholmo Montgomrie, above the Hill of Scottistoun, 500 merks each, not to harm Miriein Baird in Denmonth, James Cuming in Easter Scottistoun, Thomas Kennoche, William Patirsoun, Stevin Wilsoun in Maynis of Scottistoun, David Montgumrie in Easter Scottistoun, Henry Montgomerie, his brother, Jonet Erskin, their mother, there, Adame Symmerwell at the mill of Scottistoun, and Johnne Montgumrie and Johnne Scot, servitors to Johnne Montgumrie of Scottistoun, and the former his natural son. Mr. Robert Young registers the band, written by Robert Semple, notary, common clerk of Paislay, and subscribed at the Maynis, 15th September, before Clowd Scot and Andro Clerk, servitors to the said Alexander Douglas of Maynis, Mathew Herbertsoun, notary, and Waltir Douglas, maltman, burgess of Glasgow,—Harbertsoun subscribing for Johnne Montgomerie. Linlithgow, 17th Sept. Matthew Montgomery and others.

Fol. 270, b.

Alexander Dumbar, apparent of Tarbet, for Johnne Vaus of Lochslyne, 2000 merks, and for Johnne Vaus, his son and apparent heir, £1000, not to harm Waltir Innes of Inuerbrakye, and James Innes, his son and apparent heir,—Mr. Oliver Colt registering the band, subscribed at Lochslyne, 13th August, before Alexander Vaus, burgess of Edinburgh, Robert Vaus, burgess of Inuernes, James Vaus, burgess of Forres, Johnne Forbes in Inuernes, Alexander Vaus, burgess and merchant of Edinburgh. Edinburgh, 22nd Sept. John Vaus and his son.

Fol. 271, a.

Stevin Currour, fiar of Logy, for Walter Currour of Inchedrour, £1000, George Currour, his son, fiar of Inchedrour, 1000 merks, James Mair of Wester Culbirny, Patrik Cordinair there, James Wat, younger, in Easter Culbirny, Markie Wilsoun in Kowfurd, and Waltir Oustiane in Lochagin, 300 merks each, not to harm Alexander Ord, portioner of that Ilk, Elizabeth Ord, or Walter Ord, her spouse,—Mr. David Guthrie registering the band, subscribed at Edinburgh 20th July before William Walter Currour and others.

Ruthven, and Alexander Wylie, writer hereof, both servitors to James Prymrois. Acta Cant. 1600-1601.

Edinburgh, 25th Sept. Thomas Foulis.

Thomas Kirkpatrik of Closburne for Thomas Foullis, goldsmith, burgess of Edinburgh, 2000 merks, not to harm William Stanhop, wright at the Leidmines,—Mr. Thomas Craig, advocate, registering the band, written by William Craig, servitor to the said Thomas, and subscribed at Cloisburne, 29th August, before William Craig, Alexander Kirkpatrik, brother of the Laird of Closburne, James Quienbance, Johnne Kirkpatrik, and Petir Kirkpatrik, his servitors. Fol. 271, b.

Edinburgh, 29th Sept. George Scott and others.

Johnne Montgumrie of Scottistoun for George Scot, his servant, Johnne Montgumrie, his bastard son, David Montgomerie in Easter Scottistoun, and Henry Montgomerie there, 500 merks each, not to harm Mathow Montgomrie in Balschagrie, James, Johnne and Gabriell Montgumreis, brothers, Bartilmow Montgumrie above the Hill,—Johnne Haliday, advocate, registering the band, written by Johnne Broun, notary, reader at Renfrew, and subscribed there, 24th September, before Robert Ury, burgess of Paislay, notary, said writer hereof, and Johnne Jaksoun of Dubbis. Fol. 272, a.

John Montgomery.

Johnne Modderwell, bailie of Renfrew, and William Sommervell, clerk thereof, for Johnne Montgumrie of Scottistoun, £1000, to the effect foresaid, conform to the King's letters of date 17th September last,—the band registered, written, and dated as above, and witnessed by said Johnne Jaksoun, Johnne Montgomery, son natural of the said Laird of Scottistoun, and the said writer hereof,—John Broun and Robert Urie, notaries, subscribing for the said bailie.

Brechin, 29th Sept. William and James Dawson.

William Dasone, portioner of Hemprigis, having been charged, in 2000 merks, and James Dasoun, his servant, in 300 merks, to find caution for the indemnity of William Dumbar of Strudores, conform to the King's letters dated 17th December 1595, intend to raise suspension of the said charges: (1) because, though the executioner of the letters is commanded to take Dumbar's oath that he dreads bodily harm at their hands, he has not done so, nor can Dumbar so swear for fear of perjury; (2) because the Dasons are charged to find caution in greater sums than are prescribed by the Act of Parliament, according to which surety shall be found by every feuar under 500 merks, and by every yeoman under 100 merks. Now, Alexander Gordoun of Oxhill becomes surety for the said persons that they shall obey the decree to be pronounced by the King and Council in this matter, and in the meantime that Dumbar shall be harmless of them, under the pain of 2000 merks for Williame Dasone, and 300 merks for James Dasone. Mr. Robert Young registers the band, written by Thomas Dumbar and subscribed at Forres and Rannes, 24th September, before Robert Dumbar, Johnne Dumbar and Nicoll Duff, notaries, Mr. James Hay of Rannes, Patrik Dumbar, sheriff depute of Elgin and Forres, David Dumbar, servitor to the sheriff of Murray, James Varland, burgess of Fores, and Robert Dumbar of Burgie,—Nicoll Duff and John Dumbar subscribing for the Dasones. Fol. 276, b. Fol. 277, a.

Acta Caut. 1600-1601. Fol. 272, b.

Arthour Darleyth of that Ilk for Awlay M^cAwlay of Ardincapill, 2000 merks, not to harm Archibald, Earl of Ergyle, or dame Annas Douglas, Countess of Ergyle, his spouse, "taxwoman of the assyse hering of the west seas,"—Mr. Thomas Craig, advocate, registering the band, written by Johnne Cunynghame, son of William Cunynghame in Dumbertane and subscribed there, 26th September, before Patrik Makawlay, messenger, Duncane M^cAulay in Wallacetoun, James Elphingstoun, and James Hunter, servitors to the Laird of Ardincapill. Edinburgh, 1st October. Aulay MacAulay.

Mathew Stewart of Dundufe for Johnne Kennedy of Baltersane, 500 merks, not to reset or intercommune with Hew, Master of Cassillis, Johnne Boyd, his servant, and Hew Kennedy of Chapell, while they remain at the horn for not entering themselves before the Justice to underlie the law for the slaughter of Andro M^cKewne in . Mr. Johnne Lermonth, advocate, registers the band, written by David Reid, notary public, and subscribed at the Grenan, 30th September, before William Stewin, Hew Kennedy, David Schaw, Johnne Mure, notary public, and Fergus Kennedy of Knokdaw. Edinburgh, 3rd October. John Kennedy.

Fol. 273, a.

James Gordoun, fiar of Newtoun, for William Forbes of Monymusk, 2000 merks, not to harm Mr. Johnne Cheyne of Petfequhie, Mr. Robert Paip, advocate, burgess of Aberdene, and others contained in the King's letters,—Mr. David Guthrie registering the band, written by James Murray, notary public, and subscribed at Monymusk, 1st October, before Alexander Forbes, son of the Laird of Monymusk, William Merser in Cowbeg, Mr. William Johnnestoun and Magnus Lindsay, servitors to the said William Forbes, and the said writer hereof. Edinburgh, 6th October. William Forbes.

Fol. 273, b.

Johnne M^cDowell of Logane for Johnne M^cDowell of Garthland, 2000 merks, not to reset or intercommune with Hew, Master of Cassillis, Johnne Boyd, his servitor, and Hew Kennedy of Chapell, rebels, while they remain at the horn,—conform to the letters raised at the instance of Alexander, Master of Elphingstoun, treasurer. Mr. Umphra Blensele, advocate, registers the band, subscribed at the Garthland, 1st October, before Johnne Kennedy, younger of Carlok, Johnne Kennedy of Balneill, writer hereof, William Johnnstoun, servitor, Patrik Campbell in Balskallak, and Robert Campbell, Carrick pursuivant and notary public. MacDowell of Garthland.

Johnne Kennedy of Carlok for Quintene Boyd of Achrocher, 500 merks, to the effect foresaid,—the band registered by the said Mr. Umphra, written by James Glover, notary, and subscribed at Sanct Johne's Chapel, 1st October, before William Weir, writer in Edinburgh, Adame Boyd in Craigroch, Johnne Kennedy of Balneill, and the said writer hereof. Quintin Boyd.

Fol. 274, a.

Quintene Boyd of Achrocher for Johnne Kennedy of Carlok and Johnne Boyd at Inche, 500 merks each, also to the effect foresaid,—the band registered, written and dated as above, and witnessed by William Weir, Johnne Kennedy of Balneill, and James Glover, notary. John Kennedy and John Boyd.

Adam Boyd in Craigoche for Robert Boyd in Barbrax, his father, 500 merks, not to reset or intercommune with Hew, Master of Cassillis, Johnne Kennedy, his servitor, and Hew Kennedy of Chaple, rebels,— Robert Boyd.

conform to the letters raised by Alexander, Master of Elphingstoun, treasurer. Mr. Umphra Blinsele, advocate, registers the band, written by James Glover, notary, and subscribed at Sanct John's Chapel, 1st October, before Johnne Kennedy of Balneill, William Weir, writer in Edinburgh, Johnne Kennedy of Carlok, and said writer hereof. Acta Caut. 1600-1601.

Gilbert Watt. William Boyd of Achrocher for Gilbert Watt of Leswat, 500 merks, to the effect foresaid,—the band registered, written and dated as above, and subscribed by the said Johnne Kennedy, William Weir, Adame Boyd in Craigoch, and James Glover, notary.

Adam Boyd and others. Robert Boyd in Barbrax for Adame Boyd in Craigoch and Quintene Boyd, his sons, and Patrik Richart in Balgressie, 500 merks each, also to the effect foresaid,—the band registered, written and dated as above, and witnessed by Johnne Kennedy of Balneill, Johnne Kennedy of Carlok, William Boyd of Achrocher, and James Glover, notary. Fol. 275, a.

William Boyd. Gilbert Boyd of Leswat for William Boyd of Achrocher, 500 merks, also to the effect foresaid,—the band registered, etc., as above, and witnessed by Johnne Kennedy of Balneill, William Weir, writer, Adame Boyd, and James Glover.

John Kennedy and others. Johnne M°Dowall of Garthland for Johnne Kennedy of Balneill, Patrik M°Dowall in Freuch, Thomas Hay of Perk, Alexander M°Dowall, younger of Balker, Thomas Kennedy of Sonenes, and Patrik Campbell in Cairmagill, 500 merks each, and for Johnne M°Dowall of Logane, 2000 merks, also to the effect foresaid,—Mr. Umphra Blinsele registering the band, subscribed at the Garthland, 1st October, before Johnne Kennedy, younger of Carlok, William Johnnestoun, servitor to the Laird of Kinhelt, David Vaus, servitor to the Laird of Logane, and Robert Campbell, Carrick pursuivant, writer hereof and notary public. Fol. 275, b.

Brechin, 6th October. John Guthrie. Alexander Guthrie of Kincaldrum for Johnne Guthrie of the Miltoun of Tullus, 1000 merks, not to harm Alexander Guthrie at Craquhymylne, or Alexander Guthrie, his son. Fol. 277, b.

John Mortimer. Patrik, Lord Glammis, for Johnne Mortymer, son and apparent heir of James Mortymer, elder of Cragyver, £2000, not to harm the said James, —George Symmer of Bayordie becoming surety in relief.

Edinburgh, 11th October. Sir John Vaus. Alexander Ahanna of Sorbie for Sir Johnne Vaus of Loncastell, 2000 merks, not to reset the Master of Cassillis and his accomplices (*ante*, p. 665) during their rebellion. Mr. Umphra Blinsele registers the band, written by Williame Neisbet, notary, and subscribed at Wigtoun, 1st October, before William Dumbar of Culmalyo, David Sinclair in Melland, Robert Maxwell, burgess of Wigtoun, and said writer hereof. Fol. 276, a.

John Kennedy. Josias Stewart of Wester Polquhairne for Johnne Kennedy, elder of Blairquhane, 2000 merks, also to the effect foresaid,—Mr. Robert Young registering the band, written by Archibald Kennedy, servant to the said Johnne, and subscribed at Remistowne, 8th October, before Archibald Kennedy, Hew Kennedy, Johnne Dalrumple, Patrik Craufurd, servants to the said Johnne.

Edinburgh, 14th October. Johnne Maitland, fiar of Auchingassill, for Andro Edmestoun of that

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Ilk and the coalhewers of Nudrie, and for Patrik Edmestoun, son and apparent heir of the late Archibald Edmestoun of Wowmat, and for Patrik Edmestoun of Netoun and the colliers of Wowmat, 500 merks, to desist from farther wasting of or melling with the coals of Nudrie and Wowmat and from all breaking of the ground to that effect, in case it shall be found that they ought to do so. Andrew Edmeston and others.

Fol. 277, b.

Duncane Craufurd of Auchinfowll and Hew Kennedy of Garrehorne for Johnne, Earl of Cassillis, £5000, not to harm Mathew Stewart of Dunduff,—Mr. Johnne Scharpe registering the band, written by Fol. 278, a. Gilbert Ros in Mayboll, and subscribed there October, before Captain Daniell Forest, Hew Kennedy in Danger, Oliver Ros in Maybole, and Arthour Kennedy, servitor to the said Earl. Edinburgh, 18th October. Earl of Cassillis.

Johnne Barclay, apparent of Syde, for Mr. David Ogilvy, son in law of Parik Guthrie of Pitmewis, 2000 merks, not to harm Alexander Guthrie of that Ilk. Edinburgh, 25th October. Mr. David Ogilvy.

James Gordoun of Lesmurdie for Alexander Gordoun of Lesmoir, £2000, not to harm James Gordoun of Knokespack,—Mr. Lawrence Fol. 278, b. Makgill, advocate, registering the band, written by William Sinclair, and subscribed at Lesmoir, 12th October, before Adame Gordoun, apparent of Creichie, Thomas Robertsoun, servitor to Laird of Lesmoir, Adame Andersone, writer, George Joip, notary public. Edinburgh, 27th October. Alexander Gordon.

Johnne Kennedy of Baltersane for Mathew Stewart of Dunduff, 2000 merks, not to reset or intercommune with Hew Kennedy, Master of Cassillis, Johnne Kennedy, his servant, or Hew Kennedy of Chapell, while they remain at the horn for the slaughter of Andro M^{c}Ewne of Achnachteroch,—conform to the letters raised at the instance of Alexander, Master of Elphingstoun, the treasurer. Cornelius Tennent, advocate, registers the band, subscribed at Baltersane, 20th October, before David Kennedy in Maxwelstoun, Hew Kennedy, Alexander Kennedy, David Schaw, servants to the said Johnne, and David Reid, notary public. Edinburgh, 30th October. Matthew Stewart.

Fol. 279, a.

Johnne Mure of Auchindrene for Gilbert Kennedy of Bargany, 2000 merks, to the effect foresaid, conform to the charge by Robert Campbell, messenger,—Mr. William Oliphant, advocate, registering the band, written by William Bryand, notary, and subscribed at Newwark, 26th October, before Andro, Lord Uchiltrie, Hew Kennedy of Bennane, Hector Kennedy in Mylnetoun, George Schaw of Glenmure, and said writer hereof. Gilbert Kennedy.

Gilbert Kennedy of Bargany for Johnne Mure of Auchindrene, 2000 Fol. 279, b. merks, also to the effect foresaid,—the band registered, written, dated and witnessed as above. John Mure.

James Stewart, portioner of Strabrok, for Johnne Guidlett of Uphall, £100, to buy from Sir Michaell Balfour of Burley a stand of armour if it be found that he should do the same,—Hary Guidlett, fiar of Uphall, becoming surety in relief. Edinburgh, 1st November. John Goodlet.

Fol. 280, a.

James Ros of Nuke for Philp Quhytheid of Kincavill (Park), to the effect foresaid. Philip Whitehead.

Andro Craig, merchant, burgess of Edinburgh, for Andro Milne, Andrew Milne.

chirurgeon, burgess of Lynlythgu, also to the effect foresaid,—Andro Milne, younger, becoming surety in relief. Acta Caut. 1600–1601.

Edinburgh, 3rd November. Mr. James Watson and John Stenhope.

Mr. James Watsoun, portioner of Sauchtoun, as principal, and Johnne Stenhop of Stenhopsmilne, as surety, *et vice versa*, also to the effect foresaid. Fol. 280, b.

Daniel Coutts and others.

Robert Couttis in the Deane for Daniel Couttis, his son, *et vice versa*, and James Halden in Sauchtoun for Johnne Broun in Gorgy Milne, *et vice versa*, also to the effect foresaid.

James Tennent.

David Litle of Baldinscheill for James Tennent of Cairnis, also to the effect foresaid.

Edinburgh, 4th November. John Liddell.

George Thoirbrand, merchant, burgess of Edinburgh, for Johnne Liddell of Halkerstoun, also to the effect foresaid. Fol. 281, a.

David Dundas.

Nicol Cornwall of Bonhard for David Dundas of Preistisinche, to buy from Balfour two complete stands of armour, under the pain of £200.

Mr. Robert Boyd.

Robert Boyd of Badinhaith for Mr. Robert Boyd of Kippis, £100, to buy a stand of horsemen's armour from Balfour, in case it be found that he ought. Fol. 281, b.

James Ross and Thomas Heron.

James Ros of Tortrevin, as principal, and Thomas Hering of Kirktoun of Bathcatt, *et vice versa*, to the effect foresaid.

Hew Montgomery.

Williame Scott, burgess of Irwing, for Hew Montgomerie of Hessilheid, to pay to Alexander Cunynghame of Craganis and Alexander Fleming of Banochane, commissioners for the shire of Renfrew, or to Johnne Vaus, their collector, 10s. for each poundland of his ten merkland of Lyouncors, and that for defraying their expenses, in case it shall be found that he ought to do the same.

Edinburgh, 5th November. Robert Hepburn.

Thomas Dicksoun, "pottinger," burgess of Edinburgh, for Captain Robert Hepburne of Aulderstoun, £100, to buy from Sir Michaell Balfour of Burley a stand of horsemen's armour, in case it be found that he ought to do the same. Fol. 282, a.

William MacLellan.

Captain Johnne Ramsay, burgess of Edinburgh, for Williame M°Clellane of Auchlene, tutor of Bombie, to pay to Alexander, Master of Elphingstoun, treasurer, and Williame Johnnstoun, brother of the Laird of Wamphra, £1000, conform to the letters executed against him, which are suspended to 30th November instant. Mr. Robert Narne becomes surety in relief.

Edinburgh, 7th November. James Heriot. William Adamson.

Johnne Baillie of Braidshaw for James Hereot of Trabroun, 300 merks, to buy from Balfour three stands of armour. Fol. 282, b.

James Kinloch, burgess of Edinburgh, for Williame Adamesoun of Graycruke, £200, to buy from Balfour two stands of horsemen's armour.

Robert Shaw.

James Clerk in Blaikburnemiln for Robert Shaw of Foulsheillis, £100, to buy from Balfour such sorts of armour as the Lords of Secret Council shall find and declare he ought to buy.

Henry and William Ogle.

Robert Ogill, cordiner, burgess of Edinburgh, for Henry and Williame Ogillis of Popilhall and Hailtounwode, to the effect foresaid. Fol. 283, a.

Edinburgh, 8th November. James Crawford.

Mongo Hendersoun, cordiner, burgess of Edinburgh, for James Craufurd in Brochtoun, £100, to buy a stand of armour from Balfour.

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Sir Thomas Otterburne, apparent of Reidhall, for Thomas Otterburne of Reidhall, £300, to buy from Balfour three stands of horsemen's armour. Thomas Otterburn.

Fol. 283, b.

Andro Borthuik, bailie of the Cannogait, for Johnne Borthuik, portioner of Bancreff, £100, to buy from Balfour a stand of horsemen's armour. John Borthwick.

Johnne Castellaw, writer, for Olipheir Sinclair of Ravynnisnuke, £100, to buy a stand of horsemen's armour from Balfour, and the said Olipheir for Johnne Skougall of that Ilk, £200, to buy from him two stands of horsemen's armour, in case it be found that they ought to do the same. Edinburgh, 11th Nov. Oliver Sinclair and John Scougall.

Fol. 284, a.

Johnne Hammiltoun of Orbestoun for Johnne Hammiltoun, elder of Wodhall, and for David Forsyith of Halhill, either of them in £1000, and for James Craufurd of Kipbyre, 1000 merks, not to harm Thomas Inglis, of Murdestoun, James Hammiltoun of Swenstrie, Johnne Lychtbody in Shawis, Gilbert, Williame and Johne Lychtbodyis, his sons, Johnne Hammiltoun, son of Robert Hammiltoun of Peddisburne, Robert Hammiltoun, brother of the late Thomas Hammiltoun of Stanehous, or Thomas Inglis in Castelhill. Edinburgh 14th Nov. John Hamilton and others.

Williame Gibsoun, burgess of Hadingtoun, for Johnne Lauder, burgess there, *et vice versa*, 100 merks each, either of them to buy from Balfour a light corslet and a pike, or else a musket with forcat, bendrol and head piece, conform to the letters executed against them. John Lawder and William Gibson.

Fol. 284, b.

Robert Hammiltoun of Bathcat for James Cochrane of Babachla, £200, *et vice versa*, £100, the former to buy from Balfour two stands of horsemen's armour, and the latter a stand of the said armour. Robert Hamilton and James Cochran.

Johnne Denune of Little Rany, for Alexander Ros, portioner of Wester Gany, 3000 merks, not to harm Andro Monro of Newmont,—Mr. Johnne Moncreif, advocate, registering the band, subscribed at , 7th November, before William Ros and Alexander Denowne. Edinburgh, 4th Nov. Alexander Ross.

Fol. 285, a.

Patrik Hammiltoun of the Pele of Levingstoun for Alexander Hammiltoun of Binny, £200, *et vice versa*, £100, the former to buy from Balfour two stands of horsemen's armour and the latter a stand of the same. Edinburgh, 17th Nov. Patrick and Alexander Hamilton.

William Ros of Kilraok for Johnne M^{c}Intosche, son of Lauchlane M^{c}Intosche of Dunachtane, not to harm Donald Campbell of Parbrek, under the pains in the letters executed against him; also, to pay to the Treasurer £30 for his escheat within 40 days hereof or else obtain nullity of the horning used against him for not finding this caution. Said principal and James M^{c}Intoche of Gask become sureties in relief. John MacIntosh.

Fol. 285, b.

James Halden in Sauchtoun for Thomas Wilky in the Mains of Gorgy, to buy from Sir Michaell Balfour a stand of armour, under pain of £100; Gamaliell Wycht, maltman in the Canongait, for Robert Fawsyde of that Ilk,—three stands of horsemen's armour, 300 merks; David Dundas of Preistinche for James Dundas of Arnestoun,—three stands of horsemen's armour, £300; David Creichtoun, burgess of Edinburgh, for Johnne Touris of Inuerleith,—ten stands of horsemen's armour, 1000 merks; James Dalzell, merchant, burgess of Edinburgh, for Johnne Dundas of Newlistoun,—two stands of horsemen's armour, £200; Robert Hammiltoun, younger of Bathcat, for Johnne Stevinsoun of Hirdmen- Thomas Wilkie and others. Edinburgh, 19th Nov. Edinburgh, 20th Nov. Edinburgh, 21st Nov.

Fol. 286, a.

Fol. 286, b.

sheillis,—a stand of armour, £100; David Ramsay in Lessuade-Hilheid for Johnne Ramsay of Quhythill,—a stand of horsemen's armour, £100. Acta Caut. 1600–1601.

William Dawson. Robert Dumbar of Burgie for William Dasoun, portioner of Hemprigis, 300 merks, not to harm Henry Fraser, portioner there, conform to the King's letters of date at Edinburgh 11th July 1586,—Mr. Robert Young registering the band, subscribed at Elgine, 7th November, before Mr. James Dundas, chantor of Murray, Johnne Dundas, son of Lawrence Dundas, Alexander Dumbar, servitor to the said Laird of Burgie. Fol. 287, a.

Edinburgh, 25th Nov. Robert Gray. David Borthuik, chamberlain of Newbottle, for Robert Gray, younger son of Patrik, Lord Gray, £300, to buy from Sir Michaell Balfour three stands of horsemen's armour.

Commendator of Pittenweem. James Hammiltoun of Kilbrachmonth for William, Commendator of Pittinweyme, 2000 merks, not to harm James Scott, writer. Fol. 287, b.

Edinburgh, 26th Nov. Henry Sinclair. Mr. David Ogilvy, son of James, Lord Ogilvy, for Henry Sinclair of Quhitkirk, 300 merks, to answer upon 11th December next to a complaint made against him by Mr. Johnne Forrest, minister at Quhytkirk.

James Hamilton. Robert Nesmyth in Morestoun for James Hammiltoun of Langhirdmestoun, 200 merks, to buy from Sir Michaell Balfoure two stands of armour; and Alexander Dalmahoy of that Ilk, for James Foullis, elder of Colintoun, and Mr. James Foullis, apparent thereof, and said James, elder, for the said Alexander, that Alexander and James, elder, shall, either of them, buy two stands of armour, 200 merks each, and that Mr. James shall buy one stand, 100 merks.

Edinburgh, 28th Nov. Alexander Dalmahoy and James Foullis. Fol. 288, a.

Edinburgh, 1st December. George Sinclair and others. Williame Ros of Kilraak for George Sinclair of May, 3000 merks, and for Sandie Petrie, Williame M°Culloch in Catboill, Williame Caddell there, Johnne M°Anroy there, James Brabner there, Thomas Andersoun there, Finla M°Culteir there, and Johnne Ros there, 500 merks each, not to harm Williame Innes in Gany. Fol. 288, b.

Andrew Munro. George Monro of Tarrell for Andro Monro of Newmoir, 3000 merks, not to harm Alexander Ros, portioner of Wester Gany.

William Keith and son. James Steuart of Strabrok, David Gordoun of Knaven, and Robert Hoge of Gellane, for Williame Keyth of Ludquharne, and Alexander Keyth, his son, to subscribe and deliver to Mr. Alexander Cheyne such form of assurance as shall be presented to them, and in the meantime not to harm him under the pain of perjury and defamation, and farther under the pain of 4000 merks; also, to pay £2000 to the Treasurer for their escheats or else obtain nullity of the horning used against them for not subscribing the said assurance. Fol. 289, a.

Edinburgh, 3rd December. Magistrates of Montrose. Andro Petrie, merchant, burgess of Monrois, for the provost and bailies of Monrois, to account yearly in the exchequer for their intromission with the impost granted to them by his Majesty's gift of date 2nd instant for repairing their pier and bulwark, under the pain of 100 merks for each year that they fail to account.

Edinburgh, 4th December. John Robertson. Thomas Andersoun of Kirktoun of Lundie for Johnne Robertsoun, portioner of Balschando, £1000, not to harm Johnne Drummond of Over Smythstoun, or William Drummond, his son,—Mr. Thomas Rollok Fol. 289, b.

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registering the band, written by George Mak, writer in Edinburgh, and subscribed at Lundie, 2nd December, before Johnne Kinneir in Lundie, Johnne Cochran in Turnyhill, and Andro Hereot in Cluchmylne.

Edinburgh, 5th Dec. John Wilkie.

Fol. 290, a.

Mr. Archibald Wilky in the Cannogait for Johnne Wilky, tailor there, £200, not to harm Johnne Lyn, also tailor there; farther, to answer when required touching his pursuit of Lyn for revealing certain speeches spoken to him by Mr. Robert Oliphant anent his foreknowledge of the treasonable conspiracy of the late Johnne, sometime Earl of Goury.

Edinburgh, 6th Dec. John Barclay.

Mr. David Ogilvy, son of James, Lord Ogilvy of Airlie, for Johnne Barclay of Syde, £1000, not to harm Sir Walter Lindsay of Balgai, Margaret Lindsay, his daughter, or Adam Menzeis, her spouse.

Edinburgh, 9th Dec. Andrew Logan.

Symeoun Hendersoun, chirurgeon, for Andro Logane of Easter Grantoun, £100, to buy from Sir Michaell Balfour a stand of horsemen's armour.

William Cubison and others.

Fol. 290, b.

Williame Seytoun of Disblair for Williame Cubiesoun in Glenmuk, George Greg in Culydroch, and Johnne Greg in Loukfurde, 200 merks each, to answer upon 15th January next to a complaint made against them by Williame Greirsoun of Lag, touching the demolishing of his houses.

Robert Dumbar.

Mr. James Dundas, chantor of Murray, for Robert Dumbar of Bourgie, 2000 merks, not to harm Jonet Elphinstoun, Lady Dewglie, relict of Robert Leslie of Fincassie, conform to the King's letters dated at Edin-

Fol. 291, a.

burgh 21st October 1600,—Mr. Robert Young registering the band, subscribed at Elgin, 25th November, before James Dumbar in Easter Alves, Johnne Dundas, son of Lawrence Dundas, Alexander Dumbar, servitor to the said Robert Dumbar.

Edinburgh, 11th Dec. John Vaus.

Alexander Dumbar of Cumnok for Johnne Vaus of Lochslyne, 2000 merks, not to harm George Ros of Balnagowne,—Cornelius Tennent,

Fol. 291, b.

advocate, registering the band, written by Johnne Young, writer in Edinburgh, servitor to Thomas M^{c}Cawlay, writer, and subscribed at Edinburgh, 11th December, before James Rutherfurd, burgess of Elgin, Alexander Vaus, burgess of Edinburgh, and Patrik Dumbar, servitor to Alexander Dumbar of Cumnok.

James Sempill.

Robert Semple of Foulwode for James Semple in Candrene, son of Agnes Mortoun, portioner of Easter Walkinschaw, 1000 merks, not to harm Awlay M^{c}Cawlay of Ardincaple,—Mr. Thomas Craig, advocate,

Fol. 292, a.

registering the band, written by Petir Algeo in Paislay, and subscribed at Foulwod, 8th December, before William Semple, Petir Mortoun, Johnne King and Patrik M^{c}Lentreis, "my servandis."

Edinburgh, 15th Dec. Lady Carnsalloch.

James Johnestoun of Portrak for Marioun Maxwell, Lady Garnesolloch, £1000, not to harm Hendrie Maxwell of Garnesolloch,—Mr. James Johnnstoun registering the band, subscribed at Portarrik, 12th December, before Robert Johnnestoun in Garnesolloch, Richart Kirkpatrik in Freircarse, Robert Maxwell, notary, writer hereof.

Edinburgh, 19th Dec. George Hepburne.

Fol. 292, b.

Robert Hepburne of Aulderstoun for George Hepburne, portioner of Elstounfurde, £1000, not to harm George Carkettle, elder, burgess of Edinburgh, George Carkettle, younger, burgess of Hadingtoun, Patrik Carkettle of Over Libbertoun, Edward and Adam (? David) Carkettlis,

Johnne and George Carkettlis, all brothers of the said Patrik, or Adam Carkettle, tailor in Edinburgh. Acta Caut. 1600–1601.

Alexander Guthrie. Alexander Guthrie, elder of that Ilk, for Alexander Guthrie, younger of that Ilk, 2000 merks, not to harm Mr. David Ogilvy, son of James, Lord Ogilvy of Airlie,—Mr. Thomas Craig, advocate, registering the band, written by David Wilsoun, notary, and subscribed at Maines, 15th December, before Alexander Scott in Cowll, Androw Allane in Ludgeingtoun, James Lindsay, messenger, and said writer hereof. Fol. 293, a.

James Stewart. James Steuart of Allantoun, as principal, and Barnard Lindsay of the Grange and Mr. Williame Weir of Brokhill, as sureties, 1000 merks, not to reset Alexander Stewart, his son, while he remains at the horn for his non-compearance to answer to a complaint made against him by Mr. Alexander Lokhart, servitor to the King's Majesty.

Robert and William Hepburne. Mr. Patrik Hepburne of Smetoun, and George Hepburne, portioner of Elstounfurd for Robert Hepburne of Aulderstoun, 3000 merks, and the said George for Williame Hepburne, his brother, £500, not to harm. George Carkettle, elder, burgess of Edinburgh, and his colleagues abovewritten. Fol. 293, b.

Alexander Guthrie. Alexander Guthrie, younger of that Ilk, for Alexander Guthrie, elder of that Ilk, 2000 merks, not to harm Mr. David Ogilvy, son of James, Lord Ogilvy of Airlie,—Mr. Thomas Craig, registering the band, written by David Wilsoun, notary, and subscribed at Guthrie, 15th December, before Alexander Scott in Cowll, Andro Allane in Ludgeingtoun, James Lindsay, messenger, and said notary. Fol. 294, a.

Edinburgh, 20th Dec. Robert Nisbet and Thomas Inglis. Robert Nesbitt of Dalzell, as principal, and Johnne Boiswell of Afflek, 2000 merks, and both for Thomas Inglis of East Sheillis, 1000 merks, not to harm Robert Naper of Blakyairdis,—the said principal and Johnne Inglis of Harwode becoming sureties in relief. Fol. 294, b.

William Knox. James Robertsoun "of ane half of the Chingle," burgess of Abirdene, for William Knox in Little Crechie, 1000 merks, not to harm George Knox in Kinady or Alexander Hay in Cortecrome,—Mr. Robert Mar registering the band, written by George Cheyne, servitor to Mr. Johnne Cheyne of Petphichie, and subscribed at Abirdene, 16th December, before said Mr. Johne Cheyne, Johne Mersser, burgess of Abirdene, Alexander Irving, advocate in Abirdene, and said writer hereof. Fol. 295, a.

Edinburgh, 22nd Dec. Patrick Hepburne. William Harper, burgess of Edinburgh, for Patrik Hepburne of Stevinstoun, £1000, not to harm George Carkettle, burgess of Edinburgh, and his colleagues abovewritten.

Edinburgh, 25th Dec. John Vaus. George Munro of Tarrell for Johnne Vaus of Lochslyne, 2000 merks, not to harm Nicolas Ros of Pitcayne,—Cornelius Tennent, advocate, registering the band, written by Johnne Young, servitor to Thomas M^{c}Caulay, writer in Edinburgh, and subscribed there, 25th December, before Johnne Corbet, servitor to my Lord President, Johnne Forbes, and Alexander Vaus, merchant, burgess of Edinburgh. Fol. 295, b.

Edinburgh, 28th Dec. James Cranstoun in Monktounhall, as principal, and Alexander Cas there, as surety, *et vice versa*; Alexander Thomsoun in Monktounhall, as

:ta Caut. 00-1601.

principal, and Alexander Wrycht, as surety, *et vice versa*; and all the said principals for Williame Younger, Thomas Duncane, Archibald Heislop, fermorers to James Richardsoun of Smetoun of his part of the town and lands of Monktounhall, £100 each:—to buy from Sir Michaell Balfour of Burley such armour as the Lords of Secret Council shall determine. James Cranston and others.

ol. 296, a.

Sir Johnne Hammiltoun of Lettrik for James Hammiltoun in Blantyr, 1000 merks, and Hew Hammiltoun, his son, 500 merks, not to harm Robert Warnok in Kittoksyde, or Allesoun Coistene, his mother. James and Hew Hamilton.

Henry Lummisden, chirurgeon, burgess of Edinburgh, for Andro Rae, burgess of Perth, to pay to James Stevinsoun, chirurgeon, burgess of Edinburgh, the sum of £68, conform to a decree obtained against him. Edinburgh, 30th Dec. Andrew Rae.

Mr. Patrik Hepburne of Smetoun for Robert Hepburne of Marcle, £5000, on being freed furth of Edinburgh Castle to remain in the said burgh till he be tried for the crime whereof he is suspected guilty. Robert Hepburne.

ol. 296, b.

Mr. George Grahame in East Cragy for William Young, minister at Rogortoun, not to reset or intercommune with Andro Young in Drummaquhen while he remains at the horn at the instance of Thomas Cairnis, burgess of Edinburgh, for not answering to a complaint against him, under the pains contained in the Acts of Parliament. William Young.

Sir Waltir Lindsay of Balgai, as principal, and Alexander, Lord of Spynie, as surety, and the said Lord for David Lindsay, servant to Sir Johnne Lindsay of Wodheid, Andro Bredy, also his servant, William Cuming, servant to Sir Hary Lindsay of Carrestoun, Hary Lindsay, servant to the said Lord, Walter Lindsay, officer in Forfair, James Lindsay, his son, Archibald Betoun, son of Archdeacon of Loutheane, Andro Symmer in Drymme, Alexander Jamesoun in Melgunt, David Symsoun, servant to the said Sir Waltir, Johnne Boill, servant to the Laird of Kynnaird, Johnne Moncur, grieve to the said Laird, William Carnegy in Cottoun of Flemyngtoun, Thomas Robert in Creichie, Andro Robert there, Johnne Sturrauch there, Johnne and James Lowris in Forfar, David and Alexander Strangis there, not to harm Johnne Barclay, apparent of Syde, under the pains in the letters of lawburrows raised against them. Edinburgh, 2nd Jan. 1601. Sir Walter Lindsay and others.

'ol. 297 a.

Mr. David Ogilvy of Pitmowis for Johnne Vaus of Lochslyne, 2000 merks, not to harm Waltir Ros of Kittumlarok, William Ros, apparent of Inuercharroun, Alexander Ros of Langstroakell, Alexander Ros, portioner of Wester Gany, Andro Denwyn of Little Miltoun, Johnne Ros of Mildrag, Hucheoun Ros, his son, Alexander Denun in Wester Darechie, Alexander Ros of Logy, Hucheoun Ros, apparent of Tollie, Nicolas Ros of Pitcany, and Malcolme Ros of Camskurie,—Mr. Oliver Colt, advocate, registering the band, written by Johnne Young, servitor to Thomas M°Cawlay, writer in Edinburgh, and subscribed there, 2nd January 1601, before the said advocate, James Leslie, his servitor, and Patrik Small, writer to the signet. Edinburgh, 3rd Jan. John Vaus.

'ol. 297, b.

Johnne Vaus of Lochslyne, as principal, and Johnne Cudbert in Leith, as surety, 2000 merks, not to harm James Corbet, portioner of Arkboll, or Johnne Corbert, his son and apparent heir. Edinburgh, 9th January. John Vaus.

Edinburgh, 15th January. Inhabitants of Leith.

David Duff in Leith, as principal, and Williame Logane there, as surety, *et vice versa*; Johnne Logane in Leyth, as principal, and said David and Williame as sureties; and said three for James Mathiesoun, elder in Leyth, Johnne Boncle, Johnne Merstoun, Johnne Mathiesoun, Williame Broun, Thomas Johnnestoun, James Currie, Henry Walker, Williame Duff, Alexander Adinstoun, George Dausoun, Johnne Walker, Johnne Bellenden, Johnne Bellenden, Johnne Logane, Andro Neilsoun, Patrik Scott, Alexander Bell, Alexander Morisoun, Johnne Borthuik, James Leirmonth, Thomas Dougall, Adam Thomesoun, George Thomesoun, Williame Ruthirfurde, William Richiesoun, Williame Craig, James Airesoun, Johnne Creichtoun, Walter Mortoun, all indwellers in Leyth, and for Bartilmo Kello in Inueresk:—to buy from Sir Michaell Balfour of Burley the arms contained in the tickets delivered to them, each of them under the pain of 100 merks. Acta Caut. 1600–1601. Fol. 298, a.

Thomas Kennedy.

Johnne Kennedy of Culnane for Thomas Kennedy of Ardmillane, £1000, not to reset or intercommune with Hew, Master of Cassillis, Johnne Boyd, his servitor, and Hew Kennedy of Chapell, at the horn for the slaughter of Andro M^cEwin in Auchnetoroch,—Mr. Thomas Rollok, advocate, registering the band, written by Oliver Ros in Mayboll, and subscribed there, 13th January, before William Baird in Grange, William Hendirsone there, Thomas Wod in Semorray, and the said writer hereof. Fol. 298, b.

Edinburgh, 17th January. Jonet and David Kennedy.

Alexander Kennedy of Balverd for Jonet Kennedy, Lady Pinkill, and David Kennedy in Maxweltoun, elder, to the effect foresaid, under the pains laid to their charge,—Mr. Robert Cokburne registering the band, written by the said David and subscribed at Maxweltoun, 14th January, before Thomas M^cCrindill, servitor to the said Laird, and William M^cClerne.

Margaret Chalmer.

Johnne Cathcart, elder of Carltoun, for Margaret Chalmer, Lady Trochrig, 1000 merks, also to the effect foresaid, conform to the letters of lawburrows obtained at the instance of Alexander, Master of Elphingstoun, treasurer,—Mr. Robert Kocburne registering the band, written by Johnne (? James) Broun, servitor to the said Lady, and subscribed at Killhaur and Trochrig, January, before the said writer hereof, Johnne Cathcairt and Johnne M^cKeme (?), "my servitouris," and Johnne Scott, servitor to the said Lady. Fol. 299, a.

Edinburgh, 19th January. Thomas Cumming.

Johnne Setoun, servitor to Alexander, Lord of Fyvie, president, for Thomas Cuming, his servant, to answer upon 10th March next to a complaint made against him by Andro Meldrum of Rothiebirsbane, under the pain of £40.

Edinburgh, 21st January. John Kincaid.

Johnne Kincaid of Craighous, portioner of Brouchtoun, as principal, and David Dundas of Preistisinche and Johnne Mathiesoun, portioner of Broughtoun, as sureties, 3000 merks, that, on being freed from his ward in Edinburgh Castle, he will remain in the burgh till his Majesty declare his will against him for the ravishing of Issobell Huchesoun, widow. Fol. 299, b.

Edinburgh, 23rd January. John Corbet.

Johnne Corbert, apparent of Arkboill, as principal, and Mr. George Seytoun, tutor of Meldrum, as surety, £500, not to harm Johnne Vaus of Lochslyne.

Mr. Patrik Hepburne of Smetoun for Robert Hepburne of Aulderstoun, £5000, that, on being freed furth of his ward in Edinburgh Castle, he will remain in Edinburgh till relieved by his Majesty. Edinburgh, 24th January. Robert Hepburne.

Alexander Campbell of Arie for Margaret Kennedy, Lady Garthland, £1000, not to reset or intercommune with the Master of Cassillis, Johnne Boyd, and Hew Kennedy, during the time of their rebellion,—Mr. Alexander Cuming, advocate, registering the band, written by James Glover, notary, and subscribed at Stranrawer, 17th January, before Andro M^cDowell of Portispittell, Thomas Richertsoun in Glaik, William Wallace, notary, and said writer hereof. Margaret Kennedy.

Andro M^cDowall of Portispittell for Marioun Campbell, Lady Corswall, £1000, to the effect foresaid,—the band registered, written and dated as above, and witnessed by Thomas Richartsoun in Glaik, Alexander Campbell of Arie, William Wallace, and James Glover. Marion Campbell.

Thomas Richartsoun in Glaik for Elizabeth Cunynghame, his mother, 500 merks, also to the effect foresaid,—Mr. Alexander Cuming registering the band, written by William Wallace, notary, and subscribed as above before Alexander Campbell of Arie, James Glover, said writer hereof, and Andro M^cDowell of Portispittill. Elizabeth Cunningham.

Johnne M^cDowell of Keromanoch for Eufame Dumbar, Lady Garthland, 1000 merks, also to the effect foresaid,—Mr. Alexander Cuming registering the band, written by James Glover, and subscribed at Indermessen, 20th January, before Johnne M^cDowell of Logane, Johnne M^cKie, servitor to the Laird of Garthland, Andro M^cDowell of Portispittill, and the said writer hereof. Edinburgh, 26th January. Lady Garthland.

George Foullertoun, fiar of Dunnune, and George Kynnaird of Inchetoure, for Patrik, Lord Glammis, 3000 merks, not to harm Johnne Arbuthnot of Carnegall or Patrik Johnnstoun in Haltoun,—Mr. Thomas Rollok registering the band, written by Thomas Davidsoun, servitor to Mr. Johnne Leythe, advocate in Abirdene, and subscribed there, __ January, before Alexander Wode of Colpnay, Mr. Thomas Gairdyn of Blairtoun, David Lyoun and Johnne Lyoun, servitors to Lord Glammis, said Davidsoun, and said Leythe, notary public. Edinburgh, 27th January. Lord Glammis.

Patrik Dunbar of Craloch for Johnne Dunbar of Mochrum, 500 merks, not to reset or intercommune with the Master of Cassillis, Johnne Boyd, and Hew Kennedy,—Mr. Johnne Scharpe of Houstoun, advocate, registering the band, subscribed at Mochrum, 20th January, before Johnne Stewairt in Croscherie, Gilbert Duugalsoun (Dowgalsoun) in Dirregle, James Creichtoun, messenger, and Michaell Cochran, sheriff clerk of Wigtoun. John Dunbar.

James Mureheid of Lachop for Elizabeth Logye, relict of James Finla in Lochwod, 500 merks, not to harm Robert Boyd of Badinhaith,—Mr. Robert Lyntoun, registering the band, subscribed at Lachop, 27th January, before Claud Mureheid, son of the said James, and David Mureheid, also his son, writer hereof. Edinburgh, 28th January. Elizabeth Logy.

Sir James Scot of Balwery for Andro Wardlaw of Torrie, 2000 merks, Edinburgh, 29th January.

Andrew Wardlaw and others.

Hendry Wardlaw, his eldest son, £1000, Andro Wardlaw, also his son, 1000 merks, James Wardlaw, his father-brother son, and Robert Durie, his servant, 300 merks each, not to harm Johnne Blacader of Inzever, conform to the letters of lawburrows raised against them of date at Edinburgh 8th December last,—Mr. Henry Balfour, advocate, registering the band, subscribed at Balwerie, 24th January, before Patrik Gray, servitor to the said Sir James, James Kyntoche and William Scott in Kirkcaldy. Acta Cant 1600-1601. Fol. 302, b.

Mr. Oliver Sinclair.

Mr. Hendry Sinclair, provost of Roisling, for Mr. Olipher Sinclair, brother of Hendry Sinclair of Quhytkirk, 300 merks, to answer upon 5th February next to a complaint against him by the King's advocate and George Carkettle, burgess of Edinburgh, touching the alleged ravishing of the said George's daughter.

James Law and others.

Andro Wardlaw of Torrie for James Law, James Law, his son, William Law, his son, David Baitsoun, Williame Curry, David Russell, Johnne Werk, Johnne Creich, Johnne Peirsoun, Robert Gib, Robert Kinglassie, Johnne Hird, Patrik Chalmer, Johnne Chalmer, Johnne Huttoun, Alexander Gib, Robert Smith, Johnne Hay, Johnne Hunter, Johnne Clerk, Robert Durie, and James Seytoun, all servants and tenants of the said Andro Wardlaw, 100 merks each, not to harm Johnne Blacader of Inzever. Fol. 303, a.

Edinburgh, 31st January. George Rutherford.

George Rutherfurd in Ewinstoun, as principal, and Robert Ormestoun, portioner of Smelhome, as surety, 1000 merks, not to harm George Ker of Fadounsyde, heritor of the lands of Ewinstoun, or Margaret Stewairt, Lady Fadounsyde, liferenter thereof.

Edinburgh, 4th February. Claud and John Murehead.

James Mureheid of Lauchop for Claud Mureheid, his son, and Johnne Mureheid, burgess of Glasgow, 500 merks each, not to harm Robert Boyd of Baddinhaith,—Mr. Robert Lyntoun registering the band, subscribed at Lauchop, 4th February, before David Mureheid, writer hereof, James Mureheid of Badchare, and James Mureheid of Craigtoun. Fol. 303, b.

Edinburgh, 9th February. Robert Cunningham.

Hew Browne, merchant, burgess of Edinburgh, for Robert Cunynghame in the Cannogait, to pay to James Wrycht, servitor to Colonel Bartilmo Balfour, by 12th instant, £45, for which the said Robert "ingageit to the said James ane of his Majesteis futemantillis,"—Mr. William Cunynghame becoming surety in relief.

Edinburgh, 11th February. Robert Denniston and others.

Robert Semple of Foulwode for Robert Denneistoun of Cougrane and James Denneistoun, his son and apparent heir, either of them in £1000, Walter Denneistoun of Hathornhill, £500, and for Johnne Denneistoun of Auchindynnone, Patrik Denneistoun there, Robert Denneistoun of Drumfad, Gawin Denneistoun in Little Kirkmichaell, Patrik Denneistoun, son of Robert Denneistoun in Drumfad, Williame Denneistoun in Camroun, Johnne Denneistoun, son of Patrik Denneistoun in Trenibeg, Charles Denneistoun in Gartecharne, Patrik Denneistoun, son of Robert Denneistoun of Tullichewne, 500 merks each, not to harm Robert Buntene in Cowgrayne. Fol. 304, a.

Robert MacCoull.

David Maxuell of Teling for Robert M°Coull, 100 merks, to answer upon 1st March next to a complaint against him by William Brysoun in Kynrewgin.

cta Caut. 300–1601. ol. 304, b.

ol. 305, a.

ol. 304, b.

ol. 305, a.

ol. 305, b.

Johnne Bruce of Airth for Johnne Finla in Rochmen, 500 merks, not to harm Robert Boyd of Badynhaith (deleted); James Mureheid, fiar of Lauchop, for Johnne Finla in Rochmone to the effect foresaid, conforn to the letters raised against him dated at Edinburgh 17th January,—Mr. James Donaldsoun registering the band, written by Mr. Johnne Allasoun, notary in Glasgow, and subscribed there, 9th February, before Johnne Mureheid, burgess of Glasgow, Marcus Miller in Garscub, Waltir Makymie in Tulleymont, Williame Tawart in Garscub, and the said writer hereof. Edinburgh, 13th February. John Finlay.

Mr. Robert Boyd of the Kippis for James Hammiltoun of Libbertoun, 3000 merks, not to harm Mr. James Durhame of Duntarvie. Edinburgh, 14th February. James Hamilton.

Johnne Stewart of Foullage for Thomas Vernour of Auchindynnie, to bestow the impost granted to him in repairing the Auchindynnie bridges. Edinburgh, 16th February Thomas Vernor.

Johnne Johnnestoun of Caskyben for Johnne Arbuthnot of Carngalt and Patrik Johnnestoun in Haltoun, either of them in 500 merks, not to harm Andro Milne in Haltoun of Balhelveis, George Clerk there, Andro Fola there, Walter Edmond there, and Patrik Ramsay there, Johnne Kay in Mureburney, Gilbert Dalgarno in Egie, Thomas Tullery in Keiris, Andro Tailliour there, Johnne Wishert there, Henry Arbuthnot there, Barnard Henry in Quhythillis, George Clerk in Old Ovirtoun, William Nicol in Muretoun, Gilbert Skene in Ovirhill, Robert Skene there, Thomas Skene in Quhitcairnis, James Mure there, Robert Clerk in Glammis Arda, George Smith there, Andro Lyoun, younger, there, David Lyoun there, Andro Lyoun, elder, in Middle Arda, Duncane Bene there, Gilbert Jaffray there, Johnne Bene there, Robert Pirie at the Mill of Arda, Margaret Tailliour in Middlemoir, Gilbert Sandie there, Johnne Clerk in Potertoun, Andro Wode there, David Skene at the mill there, George Foullartoun, apparent of Dynnune, David Lyoun, younger of Bagillie, Johnne Lyoun, son of Johnne Lyoun of Ruchilhill, Johnne Kynneir, Johnne Skryngeour. John Arbuthnot and Patrick Johnston.

Robert Boyd of Badinhaith for Johnne Lugie in Lochwode, Williame Lugie, his son, Arthour Lugie, Gawin Lugie, brothers of the said Johnne, and Robert Lugie, cordiner of Glasgow, 300 merks each, not to harm Johnne Finla in Rochmon. Edinburgh, 17th February. John Lugie and others.

ol. 306, a.

Robert Boyd of Badinheth, as principal, and Johnne Hammiltoun of Grange in Kilmarnok, as surety, £1000, to the effect foresaid. Edinburgh, 19th February. Robert Boyd.

Alexander Blair of Bagray for Alexander Blair of Freirtoun, £1000, not to harm Gilbert Moreis in Scone. Alexander Blair.

ol. 306, b.

Robert Dumbar of Burgie for Mr. James Dundas, chantor of Murray, 1000 merks, not to harm Johnne Burgie in Hatone of Killosse,—Mr. Robert Young registering the band, subscribed at Elgin, 9th February, before Mr. James Dumbar, dean of Murray, Mr. James Dumbar of Sancher, Johnne Dundas, writer hereof. Mr. James Dundas.

ol. 307, a.

Mr. James Dundas, chantor of Murray, for Robert Dunbar, sub-chantor of Murray, 1000 merks, to the effect foresaid,—Young registering the band, dated as above, and witnessed by Mr. Thomas Dumbar, dean of Murray, Mr. James Dumbar of Sancher, and Johnne Dundas. Robert Dunbar.

Edinburgh, 21st February. William Udny.

Mr. Robert Udnie of Tulliquhorthie for William Udnie of that Ilk, £500, not to reset or intercommune with George Meldrum, William Hammiltoun, Robert Gordoun, Patrik Scheill, Johnne Fraser, Robert Jardane, Alexander Meldrum, and Thomas Cuming, conform to the letters raised against Udnie by Andro Meldrum of Derlay,—Mr. Johnne Lermonth, advocate, registering the band, subscribed at Tilliry, 17th February, before William Udny, apparent of that Ilk, Johnne Mill (Miln), Arthour Udny, writer hereof, and Alexander Udnie. Acta Caut. 1600–1601. Fol. 307, b.

William Udny of that Ilk.

Mr. James Forbes of Wodland for William Udny of that Ilk, £1000,* not to reset or intercommune with Andro Chalmer, cooper in Abirdene, Johnne Hucheoun, burgess there, Normond Leslie, Alexander Ewin, Mr. Alexander Fraser, Patrik Makie, George Gordoun, sometime of Creichie, Williame Meldrum of Badinscott, Andro Meldrum and James Alshonour, burgesses of Banff, James Yell, parson of Rothven, Mr. Alexander Patersoun, Mr. Normond Duncane, parson of Murthlik, George Clerk, Gilbert Skene, David Skene and Andro Lyoun, in Balhelveis, Patrik Hunter, burgess of Abirdene, Patrik Leslie, son of Patrik Leslie, elder, burgess of Abirdene, Waltir Leslie, Johnne Leslie and Johnne Abirnethie, burgesses there, Edward Donaldsoun, burgess there, Mr. David Rait, principal of the college of Old Abirdene, Thomas Robertsoun in Middilesse, Alexander Hay in Cortecrome, Gilbert Fraser in Watertoun, William Forbes of Logyfintray, Mr. Robert Leslie of Old Craig, George Leslie, his son, Johnne Arbuthnot of Carnegall, Johnne Abirnethie, sometime in Caslintoun, Mr. Alexander Gordoun, chancellor of Murray, Bartill Leslie at the mill of Dyce, James Cheyne of Pennane, Thomas Davidsoun in Abirdour, Alexander Cheyne, son of William Cheyne in Orchartoun, Patrik Prat, baxter in Aberdene, Johnne Leslie of Balquhaine, Johnne Banerman of Logyfairlie, James Banerman, baxter in Abirdene, his brother, Mr. James Seytoun, parson of Quhatsum, George Meldrum of Drumbrek, Alexander Chalmer of Cultis,—conform to the letters raised against Udny by Alexander, Master of Elphingstoun, treasurer. Mr. Johnne Lermonth, advocate, registers the band, subscribed at Knaperna and Tilliry, 16th February, and witnessed as above. Fol. 308, a.

Edinburgh, 23rd February. William Grierson and others.

Johnne Charterhous of Amisfeild for William Greirsoun of Lag, £1000, Johnne Greirsoun in Longfurd, Johnne Greirsoun in Bargaltoun, and Gilbert Greirsoun, called the "taillior," 500 merks each, to answer upon 10th March next to a complaint made against them by Alexander, Master of Elphingstoun, for shooting of hagbuts and pistolets. Fol. 308, b.

Edinburgh, 25th February. Nathaniel Keith.

James Keyth of Canterland for Nathaniel Keyth, son of Williame Keyth of Ludquharne, to pay to the Treasurer 500 merks for his escheat within 40 days hereof, or else obtain nullity of the horning used against him for not subscribing an assurance to Mr. Alexander Cheyne and George Ramsay,—Alexander Keyth, brother of the said Nathaniel, becoming surety in relief.

Archibald Dalzell.

Johnne Boiswell of Affleck for Archibald Dalzell, son of the Laird of Dalzell, 300 merks, to answer upon 5th March next to a complaint against Fol. 309, a.

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him by Nicol Dalzel in Dalzelismiln; also, to pay to the treasurer £10 for his escheat for his non-compearance to answer to the said complaint.

Alexander Hill, merchant, burgess of Edinburgh, for George Tennent, burgess there, 500 merks, not to harm Samuell Blaikburne, merchant, burgess there. George Tennent.

Fol. 309, b. Alexander Hill, merchant, burgess of Edinburgh, for Margaret Cokburne in Edinburgh, 500 merks, to the effect foresaid,—the said surety and George Tennent, burgess of Edinburgh, becoming cautioners in relief. Margaret Cockburn.

Williame Dunbar of Entirkin for Alexander Dunbar of Cumnok, sheriff of Murray, 2000 merks, Mr. James Dunbar of Sanquhair, 1000 merks, and Patrik Dunbar, brother of Johnne Dunbar of Knokshynnoch, 500 merks; David Dunbar of Daldork for Charlis Reid in Fores, Johnne Dunbar, bailie there, and David Torrie, burgess of Elgin, 500 merks each:—not to harm Patrik Dunbar of Conzie. Edinburgh, 2nd March. Alexander Dunbar and others.

Fol. 310, a. Mr. David Ogilvy, fiar of Pitmoweis, for Elizabeth Creichtoun, and Sir Johnne Ogilvie of Craig, her spouse, not to reset or intercommune with Andro Young in Drummaquhan while he remains at the horn at the instance of Thomas Cairnis, burgess of Edinburgh, under the pains in the Acts of Parliament. Edinburgh, 6th March. Sir John Ogilvy and Spouse.

Williame Drummond of Pitcairnis for Mr. Edward Drummond, his brother, 3000 merks, to answer when required to such things as shall be laid to his charge, and not to go abroad without the King's license. Edinburgh, 9th March. Mr. Edward Drummond.

Alexander Dunbar of Cumnok, sheriff of Murray, for Duncane Campbell, captain of Carrik, 500 merks, to answer upon 21st May next to two complaints against him, one by Ludovik, Duke of Lennox, and the other by Aula M^{c}Caula of Ardincaple, touching certain oppressions alleged to have been committed by him. Duncan Campbell.

Fol. 310, b. Johnne Spottiswode of that Ilk for Andro Pringle, portioner of Windylawis, 500 merks, not to harm Thomas Patersoun, elder, portioner of Windylawis, or Thomas Patersoun, younger, his son. Edinburgh, 14th March. Andrew Pringle.

Johnne Wallace of Cragy, as principal, and Alexander Mowat of Kirkland, as surety, 2000 merks, not to harm the provost, bailies, council and community of Air. John Wallace.

Fol. 311, a. James Blacader of Tulliallane, as principal, and Andro Naper, burgess of Edinburgh, as surety, 2000 merks, not to harm Edward Broun of Keir. James Blackadder.

David Dunbar of Daldork for Alexander Neisbit of Greneholme, 1000 merks, not to harm David Broun in Newmilne, James and David Brownis, his sons, Johnne Broun in Greneholme, or Thomas Broun, younger, burgess of Glasgu. Edinburgh, 16th March. Alexander Nisbet.

Fol. 311, b. Johnne Stirling of Bankeir for Williame Wallace, burgess of Glasgow, 500 merks, not to harm Mr. Mathow Ros of Haning,—Mr. Alexander King, advocate, registering the band, subscribed at Glasgow, 18th March, before Archibald Hiegait, writer hereof, George Esdaill, slater, burgess of Glasgow, James Bell, merchant, burgess there, and William Stirling, burgess there. Edinburgh, 21st March. William Wallace.

Thomas Inglis. Alexander Douglas, macer, for Thomas Inglis of Auldlistoun, £100, to buy from Sir Michaell Balfour of Burley a stand of horsemen's armour. Acta Caut. 1600–1601.

Edinburgh, 23rd March. Gilbert Morris. Gilbert Moreis in Scone, as principal, and Robert Allasoun, eldest son of Thomas Allasoun of Lochtoun, as surety, 500 merks, not to harm Alexander Blair of Freirtoun. Fol. 312, a.

Archibald Gibson. Johnne Darleith of that Ilk for Archibald Gibsoun, commissary clerk of Glasgow, £500, not to harm Mr. Mathow Ros of Hanyng,—Mr. Williame Borthuik, advocate, registering the band, written by the said Archibald himself, and subscribed at Glasgow, 14th March, before Mr. David Gibsoun and Archibald Hornair, writers, Johnne Colquhoun and Mathow Harbertoun, notaries. Fol. 312, b.

Edinburgh, 26th March. George Mortimer. George Fraser in Brownsyd for George Mortimer of Auchinbady, not to harm Magnus Irvine, sometime in Scottistoun, conform to the King's letters dated at Edinburgh 18th November 1600,—Mr. George Tod, advocate, registering the band, written by Mr. Johnne Scott, notary, and subscribed at Auchinbadie, 21st March, before Alexander Gordoun and Hew Mortymer, servitors to the principal, and Alexander Ogilvie, burgess of Banff,—the said notary subscribing for George Fraser. Fol. 313, a.

Edinburgh, 28th March. Robert Hepburne. Patrik Edmestoun, portioner of Netoun, for Robert Hepburne of Alderstoun, £5000, not to harm George Carkettell of Monkreig; also, when required, to enter again in ward in Edinburgh Castle, out of which he is relieved, and remain there till freed; farther, to underlie the law when charged for the ravishing of the said George's daughter. Fol. 313, b.

Edinburgh, 29th March. Patrick Hepburne. Patrik Edmestoun of Natoun, and William Harper, merchant, burgess of Edinburgh, for Patrik Hepburne of Stevinsoun, £5000, to the same effect, —Johnne Halyday, advocate, registering the band, subscribed at Natoun and Edinburgh, 29th March, before William Charlis, Johne Young, writer hereof, servitor to James Prymrois, Clerk of Council, Johnne Robesoun, master flesher to his Majesty, George Fendar in Seytoun, and Andro Scot; Alexander Cuninghame and James M^{c}Kairtnay, notaries, subscribing for the said Patrik Hepburne. Fol. 314, a.

Edinburgh, 3rd April. David Beaton. Mr. Patrik Balfour of Pitcullo and Robert Lundy of Newhall for David Beatoun, fiar of Creich, 10,000 merks, to enter in ward by 7th instant in the city of St. Androis and remain there till he satisfy his Majesty anent the disobedience professed to his Highness, and anent the matters questionable between the said David and the Comptroller; also, to observe the King's peace and keep good rule in the country. Fol. 314, b.

Holyrood-house, 5th April. William Gray. Robert Gray, son of Patrik, Lord Gray, for Williame Gray of Inchestuir, his brother, £1000, to answer when required for breaking up the place of Boningtoun and awaytaking of the evidents furth thereof by James Wod, fiar of Boningtoun, and his accomplices, in March last (*ante*, p. 235 n.).

Edinburgh, 7th April Patrick Dunbar. Williame Sutherland of Duffuus for Patrik Dumbar of Conzie, 1000 merks, not to harm Alexander Dumbar of Cumnok, conform to the King's letters dated at Edinburgh 5th March 1601,—Mr. Richard Spens, advocate, registering the band, written by Johnne Donaldsoun, notary public, servitor to William Gibsoun of Sherefmylne, notary public, and Fol. 315, a.

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subscribed at Querrelwod, 2nd April, before James Sutherland of Kinstarie, Alexander Dumbar, apparent of Conzie, said William Gibsoun, Alexander Sutherland and Thomas Stewart, servitors to said Laird of Duffus, and said writer hereof.

Edinburgh, 9th April. William Dumbar and others.

Alexander Dumbar of Kilbuok, fiar of Conzie, for Williame, Mr. Patrik, and Johnne Dumbaris, sons of Patrik Dumbar of Conzie, Andro Dumbar, messenger, Williame Dumbar of Hemprigis, Johnne Dumbar, his son, James Dumbar, also his son, Gavin Dumbar, archdeacon of Murray,

Fol. 315, b.

Alexander Watsoun in Easter Grange, and Johnne Burghie in Haltoun, not to harm Alexander Dumbar of Cumnok, Mr. James Dumbar of Sanquhar, Patrik Dumbar, brother of Johnne Dumbar of , David Torry, burgess of Elgyne, Charlis Reid, burgess of Forres, and Robert Dumbar of Burgie, under the pains contained in the King's letters.

Isobel Swan.

Johnne Man of Trowis for Issobell Swan, relict of Andro Man, sometime in Thornehill, 500 merks, not to harm Robert Keith in Thornehill, specially in his roum and lands of Thornehill, conform to the King's letters dated at Perth March 1600,—Mr. Thomas Mawer, advocate,

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registering the band, written by George Cuming, burgess of Elgyne, notary public, and subscribed there, 4th April, before Mr. James Gardin and Tiberius Winchister, burgesses there, Alexander Man in Clakmarris, Thomas Hay and George Cuming, notaries public, Walter Mawer in Shereftoun, and Johnne Man in Greneheid,—Hay and Cuming, notaries, subscribing for Johnne Man and Issobell Swan.

Andrew Wadie.

Andro Wady in Pitcayne, as principal, and Williame Forrester in Leith, as surety, 1000 merks, not to harm James Kello of Pitcayne.

Fol. 316, b.

David Brown and others.

Mr. Nicoll Broun and James Broun, younger, merchants, burgesses of Edinburgh, for David Broun in Newmylnis, James and David Brounis, his sons, Johnne Broun in Greneholme, and Thomas Broun, younger, burgess of Glasgow, not to harm Alexander Nisbet of Greneholme, under the pains contained in the King's letters.

Edinburgh, 15th April. William Bruce.

Alexander Cuninghame of Barnis for Williame Bruce of Erleshall, 3000 merks, not to harm Jonet Elphingstoun, Lady Douglie.

Fol. 317, a.

Edinburgh, 17th April. George Ker and William Ker.

George Ker of Fawdounsyde, as principal, and Williame Ker, his brother, and Walter Ker, burgess of Edinburgh, as sureties, 2000 merks, and the said George for the said William, £1000, not to harm George Rutherfurde in Ewingstoun,—Mr. George Tod registering the band, written by William Ruthven in Dirltoun, and subscribed at West Fentoun, 15th April, before said writer hereof, Johnne Forrest in Dirltoun, William Seytoun, servitor to George Seytoun of Northrig, and Mr. Andro M'Ghie, minister at Gullane.

Edinburgh, 21st April. Roger Padyean.

Sir James Douglas of Drumlanrig for Rodger Padgene, younger of

Fol. 317, b.

Newtoun, 1000 merks, not to harm Williame Maxvell, son of Williame Maxvell, apparent of Tinvell,—Mr. Robert Young registering the band, written by James Dowie, and subscribed at Drumlanrig, 18th April, before Harbert Cuninghame, common clerk of Drumfreis, Robert and James Douglassis in Ersmortoun, James Dowie and Andro Murray; the said Harbert subscribing for Rodger Padgene.

Edinburgh, 23rd April. Thom Bell and his sons.

Thomas Kirkpatrik of Cloisburne for Thom Bell in Scheilgrene, 1000 merks, William Bell and Bell, his sons, either of them in 500 merks, not to harm William Maxvell, son of William Maxvell, apparent of Tinvell,—Mr. Robert Young registering the band, written in Edinburgh by Johne Young, servitor to James Prymrois, Clerk of Council, and subscribed at Cloisburne, 23rd April, before Johnne Kirkpatrik of Freircarse, Alexander Kirkpatrik, brother of the Laird of Cloisburne, and Robert Bell, his servant, and at Kirkbeid the said day, before Johnne Espie in Kirkbeid, Johne Lyn there, and Symond Purdy, notary; the last subscribing for Thom Bell, and William Bell, his son. Acta Caut. 1600–1601. Fol. 318, a. Fol. 318, b.

Edinburgh, 25th April. Robert Keith.

Thomas Innes, burgess of Elgyne, for Robert Keith in Thornehill, 500 merks, not to harm Issobell Swan, relict of Andro Man in Thornehill, or Johnne Man in Greneheid, her son, conform to the King's letters dated at Edinburgh 9th April last,—Mr. David Guthrie, advocate, registering the band, written by George Annand, notary public in Elgyne, and subscribed there, 18th April, before Walter Smyth, messenger in Elgyne, Thomas Gordoun, son of the late Patrik Gordoun in Lettirfurie, Robert and Lauchlane Innessis, sons of the said Thomas, the said writer hereof, and Alexander Keith.

Edinburgh, 27th April. Inhabitants of Anstruther.

James Winrahame, servitor to the Lord Advocate, for the provost, bailies, council and community of the burgh of Anstruther be-east the burn, to employ the sums of money to be uplifted by them upon repairing the harbour of Anstruther, and, if the same be not built and repaired within the next five years, to refund to his Majesty the sums which shall be uplifted by them by virtue of the Act granted in their favour dated at Halyrudhous 3rd instant. Fol. 317, b.

Edinburgh, 30th April. Mr. Alexander Hamilton.

Robert Hammiltoun of Inchemachan (Eglismachan) for Mr. Alexander Hammiltoun of Drumcors, £100, to buy from Sir Michaell Balfour of Burley a complete stand of horsemen's armour. Fol. 319, a.

Andrew Napier.

Johnne Naper, fiar of Marchinstoun, for Andro Naper, burgess of Edinburgh, 200 merks, to answer when required touching the mass which was said in his house.

Dalkeith, 30th April. Sinclair and Hamilton.

James Richardsoun of Smetoun for Sincler of Hirdmestoun and Hammiltoun of Sammelstoun, to buy from Sir Michaell Balfour of Burley the armour following,—the former three stands of horsemen's, under pain of £300, and the latter two stands, under the pain of £200.

Gilbert Menzies and others.

Mr. David Meinzeis of Easter Tillybouries for Gilbert Meinzeis of Pitfoddellis, Johnne Irvine of Kincowsie, Johnne Collusoun of Auchlounis, and Arthor Gardyn of Banquhorie, to pay 13s. 4d. for each poundland belonging to them within the shire of Kincardine to Sir Johnne Wischart of Pittarro and David Ramsay of Balmane, late commissioners for the small barons and freeholders of the said shire to the Parliaments and General Councils, and that for the said commissioners' expenses, in case it be found that they should do the same. Mr. Johnne Nicolsoun, advocate, registers the band, written by Johnne Mylne, vicar of Mariecult, 23rd Fol. 319, b.

Acta Caut. 1600-1601. April, before Walter Robertsoun, notary public, Mr. James Irvine, notary public, and Andro Meinzeis.

Fol. 320 a. Alexander Hervie, merchant, burgess of Edinburgh, for George Hammiltoun, elder of Prestoun, £200, to buy from Sir Michell Balfour of Burley two stands of horsemen's armour. Sir Patrik Hepburne of Lufnois for Johnne Andersoun, Johnne Averth, James Reburne, Patrik Guidfallo, and Harie Guidfallo, all in East Fortoun, £50 each, to buy from Sir Michell, each of them, a complete stand of footmen's armour. Edinburgh, 2nd May. George Hamilton. John Anderson and others.

James Arbuthnot of Lentusche for James Stewart, apparent of Innerycht, heritable proprietor of the two part lands of Roitmais, and for his tenants,—viz., Johnne Andersoun, elder, Patrik Andersoun, Andro Cruikschank, and Robert Many,—all occupiers of the said two part lands, not to harm James Gordoun, fiar of Newtoun, under the pains in the letters raised against them. Mr. Johnne M^cGill, advocate, registers the band, written Fol. 320, b. by Walter Thomsoun, notary public, and subscribed at Lentusche, 29th April, before Mr. Walter Abercrumby, parson of Runne, James Leslie in Ardune, Andro Andersoun in Bonytoun, Williame Andersoun, his father, and the said writer hereof,—the last subscribing for the principals. Edinburgh, 3rd May. James Stewart and his tenants.

Charlis Grahme, servitor to my Lord Chancellor, for Cristeane Grahme, relict of Hew Sommervaill of Spittell, £100, not to harm Elspeth Hamiltoun, relict of William Sommervaill of Spittell, or James Douglas, apparent of Wellis. Edinburgh, 4th May. Christian Grahame.

Fol. 321, a. James Borthuik, writer to the signet, for Johnne Weir, bailie of Lanerk, £500, to the effect foresaid. Edinburgh, 8th May. John Weir.

Hew Craufurd of Cloburehill for Johnne Craufurd of Culbinny, £2000, not to harm Hew Barclay in Grenok,—Mr. Umphra Blinsele, advocate, Fol. 321, b. registering the band, written by Hew Blair, notary, citizen in Glasgow, and subscribed there and at 6th and May, before Robert Smyth in Louchlis, Johnne Luiff, servitor to David Craufurd, son of the Laird of Bordland, William Leiche in Glesgow, and the said writer hereof. John Crawford.

Patrik Barclay, fiar of Towy, for Mr. William Barclay, 2000 merks, to go abroad within the time prescribed in the doom of banishment pronounced against him, and in the meantime not to practise against the true religion and to keep himself quiet in company with his mother at Cullane. Edinburgh, 9th May. Mr. William Barclay.

Nicoll Cornuall of Bonehard for Archibald, Earl of Ergyle, £2000, not to harm James Keith, brother of Johnne Keith in Ravinscraig,—Mr. Fol. 322, a. William Oliphant, advocate, registering the band, written by Johnne Striveling, servitor to Thomas Hervy, writer in Edinburgh, and subscribed at Lynlythgow, 6th May, before James, Earl of Murray, Johnne, Master of Erskin, Hary, Commendator of Sanct Colme, and Mr. James Kirk. Earl of Argyle.

William Torrie of St. Katherine's crofts for Johnne Man in Thornehill, 500 merks, not to harm Robert Keyth in Thornehill,—Mr. Robert Young Fol. 322, b. registering the band, written by Johnne Donaldsoun, notary public in Elgin, and subscribed there, 4th May, before Alexander Cuming in John Man.

Kinnem, Robert Wrycht (?Urquhart), chirurgeon in Elgin, Alexander Urquhart, his brother, Johnne Baxter, burgess of Elgin, and the said writer hereof; the last subscribing for Johnne Man. Acta Caut. 1600–1601.

Sir John Weymss.

James Weymes of Bogy for Sir Johnne Weymes of that Ilk, to pay to Johnne Nesmyth, chirurgeon, 800 merks, and to George Hereot, younger, goldsmith, burgess of Edinburgh, 2200 merks, as the sum of £2000 incurred by the said Sir Johnne for the non-entry of Willie Johnestoun of Grenesyde, pledge, before the King and Council, conform to an assignation made to them of the said sums by Alexander, Master of Elphingstoun, treasurer, in case it be found that he ought to do the same. Fol. 323, a,

Edinburgh, 11th May. Hew Weir and others.

James Inglis, younger, merchant burgess of Edinburgh, for Johnne Weir, fiar of Cloburne, and the said Johnne for Hew Weir of Cloburne, his father, Robert and William Weiris, sons of the said Hew, and Johnne Weir of Bankheid, not to harm Elizabeth Hammiltoun, relict of Williame Somervell of Spittell, or James Douglas, apparent of Wellis, now her spouse, under the pains following,—the said Hew Weir and Johnne Weir, either of them in £1000, and each of the others in £500.

George Hamilton.

Patrik Hammiltoun of Sammuelstoun for George Hammiltoun of Prestoun, 2000 merks, not to harm Nicoll Ramsay of Cokpen,—Mr. Robert Cokburne, advocate, registering the band, written by Thomas Dunlop, notary public, and subscribed at Sammuelstoun, 10th May, before Archibald Hammiltoun, brother of the Laird of Sammuelstoun, William Kairnis, his servant, and Mark Scaiduie (Schaddowie). Fol. 323, b.

Edinburgh, 12th May. John Hiddlestoun.

William Maxvell, apparent of Tinvell, for Johnne Hiddilstoun, his tenant in Templandmylne, £500, not to harm Thomas Bell in Scheilgrene, William Bell and Bell, his sons,—Mr. Robert Young registering the band, written by Harbert Cuninghame, notary, and subscribed at the Bar of Tinwell, 9th May, before Gilbert Greirsoun of Berquhen, William M°Morne in Tinvell, Andro Fischer there, Robert Broun there, and the said writer hereof; the said notary subscribing for the principal. Fol. 324, a

Burntisland, 15th May. Nicoll Ramsay.

Nicoll Clepoun, burgess of Brunteland, for Nicoll Ramsay of Cokpen, 1000 merks, not to harm George Hammiltoun of Prestoun.

Edinburgh, 26th May. Mr. Matthew Ross.

Robert Schaw of Foulscheillis for Mr. Mathow Ros of Haning-Ros, £1000, not to harm Thomas Clogie, burgess of Glasgow,—Mr. Richard Spens, advocate, registering the band, subscribed at Glasgow, 23rd May, before William Gray, notary, and Johne Ros, servitor to the said Mr. Mathow. Fol. 324, b.

Edinburgh, 27th May. Thomas Lyell and others.

James M°Kernie, burgess of Muntrois, for Thomas Lyell at the mill of Balmuly, William Neill and Johnne Pedie, his servitors, James Lamb in Gilkhorne, Henry Rankene in Myresyd, and David Meirnis in Annatstoun, not to harm Williame Rollok of Balbegie, under the pains in the King's letters directed thereanent.

Thomas Grant.

Alexander Annand of Murrestoun for Thomas Grant in Letachie (Lettauch), 500 merks, not to reset or intercommune with Mr. Alexander Innes, sometime minister at Birneych, Mr. George Innes, his brother, Johnne Innes, elder, called M°Carrie, Johnne Innes, younger, called Lang Fol. 325, a.

Acta Caut. 1600-1601.

Johnne, William Innes, skinner, Robert Innes, flesher, James Innes, son of the said Johnne Innes, elder, Alexander Innes, saddler, Johnne Innes, sometime in Coittis, Robert Innes of Coittis, and James Scot in Little Innerlochtie, all put to the horn at the instance of William Hay of Mane, James Douglas, provost of Elgin, Mr. Alexander Douglas, minister there, George, Hew, Mr. Johnne, Mr. Gawin, and Archibald Douglassis, their brothers, for the shameful slaughter of Agnes Leslie, relict of Mr. Alexander Douglas, provost of Elgin, and of the late William Hay, father-brother of the said William Hay of Mayne, and for mutilation of the said William Hay in his left hand,—conform to the King's letters dated at Edinburgh 10th May 1600. Mr. Johnne Lermonth, advocate, registers the band, written by Johnne Annand, burgess of Elgin, and subscribed there, 21st May, before Johnne Gordoun in Garmoch, James Thomesoun in Elgin, Archibald Annand, burgess there, and the said writer hereof.

Fol. 325, b.

Gilbert Pennycuik of that Ilk for Nicoll Ramsay, sometime younger of Hallis, £200, that, on being freed out of the tolbooth of Edinburgh, he will enter again therein when charged. Edinburgh, 28th May. Nicoll Ramsay.

Hary Creichtoun of Over Benchill for David Watsoun there, Stevin Gellatly in Middle Benchill, Johnne Cruickschank in Nether Benchill, Andrew Cruickschank, his son, there, and James Mylne there, 300 merks each, not to harm Mr. William Schaw of Pitmurtylie, or Johnne Schaw, his son. Edinburgh, 29th May. David Watson and others.

Robert Logane of Restalrig for Philop Mowbray, 500 merks, to answer when required to such things as shall be laid to his charge. Edinburgh, 30th May. Philip Mowbray.

George Campbell of Gelt for Williame Cuninghame of Capringtoun, to satisfy his Majesty and Treasurer for the offence committed by him in allowing his servants to take violently Johnne Adame in Mosflat and William Cunningham.

Fol. 326, a.

Adame, his son, and in suffering them to be detained in his house of Capringtoun ten or twelve days after their taking. Deleted by a warrant subscribed by his Majesty 22nd June 1601 : J. Prymrois.

James Hammiltoun of Libertoun for Arthour Colquhoun of Borrowfeild, 1000 merks, not to harm Mr. Johnne Hay, parson of Renfrew,—Robert Hammiltoun, advocate, registering the band, subscribed at Strathavane, 2nd June, before James Hammiltoun of Tueidsyd, Gavin Murray of Westounheid, Johnne Forrest, notary public, and Archibald Lorymer, also notary public. Edinburgh, 5th June. Arthur Colquhoun.

Fol. 326, b.

Alexander Cunynghame of Craiganis, as principal, and Johnne Wallace of Meanefurd, as surety, 2000 merks, not to harm Paull Dog of Dunrobene. Edinburgh, 8th June. Alexander Cunningham.

Hew Moncreif of Coittis for Colene Eviot of Bousie, 1000 merks, not to harm Hary Creichtoun of Over Bauchell. Edinburgh, 9th June. Colin Eviot.

James Home of Carrelsyd, Niniane Chirnesyd of Quhitsumlawis, and Alexander Home in Swyntounhill, for Johnne Home of Huttounhall, Goodman of Huttonhall.

Fol. 327, a

£1000, not to harm Johnne Auchinlek, merchant, burgess of Edinburgh.

David Hog, baxter, burgess of Edinburgh, for Peter Schaw, sheriff officer of the shire of Lynlythgow, 50 merks, to deliver to David Hammil- Edinburgh, 10th June. Peter Shaw.

toun, son of the late Hammiltoun of Langhirdmestoun, five bolls and one firlot of oats at the cross of Edinburgh upon 11th instant at 12 o'clock before noon,—the said oats having been arrested by the said Peter upon the lands of Echling at the instance of George Peirsoun, stabler, burgess of Edinburgh, and James Balloch, by virtue of a precept directed by the sheriff principal of Lynlythgow to that effect. Acta Caut. 1600–1601.

Duncan Stewart of Appin.

Sir Williame Menteith of Kerse for Duncane Stewart of Appyne, to restore within the bounds of Stranbraen, by 1st August next, to the persons underwritten, "his Hienes puir tennentis of Strabraen," the goods following reft from them upon 27th August last by James Stewart, called of Boaspik, and Johnne Stewart, son of Donald M°More, with their accomplices: viz., to James Borye in Balnadyk in Strabraen, nine oxen and fifteen kye; to Duncan Grasich in Kirktoun of Logyellochye, two oxen and fifteen kye; to Gillymichaell Robertsoun in Mekill Logie, three oxen and nine kye; to Thomas Stewart there, three oxen and six kye; to Issobell Stevinsoun there, six kye; to Malcolm M°Duf, three kye; to Johnne M°Olurich, seven kye; to James Heren in Wodend, two oxen; to Johnne Crumie, one ox; to Johnne Heren, five kye and two oxen; to Issobell Patoun, seven kye; to Gilliphillane M°Neill, two kye and two oxen; and to Johne Robertsoun *alias* Mulloch, an ox. Failing of the delivery of the goods abovewritten as aforesaid, Duncane Stewart to pay to each of the said persons 20 merks for every one of their said kye and oxen undelivered. He is also to pay to them such sums of money, for the profits of the said goods from 3rd May last to 1st August next, as shall be agreed upon between such arbiters as shall be chosen for this effect. Archibald, Earl of Argyle, becomes surety in relief. Mr. Williame Borthuik, advocate, registers the band, written by David Aikene, and subscribed at Stirling, 6th June, before James Campbell, fiar of Laweris, Colene Campbell, brother of Johnne Campbell of Caddell, Mr. James Kirk, Mr. Alexander Menteith, son of Sir William Menteith, and Alexander Bruce and Mr. Thomas Menteith, servitors to the said Sir William Menteith. Fol. 327, b. Fol. 328, a.

Edinburgh, 11th June. William Cruickshank and others.

Alexander Cruikshank, elder, burgess of Aberdene, for Williame Cruikshank of Tillimorgane, £1000, and for Alexander Cruikschank of Baikiehill, Thomas Ingrome in Reidhill, Andro Murray in Fischerfuird, James Patersoun in Sauchinlon, George Cruikschank in Newseat, William Dinnot there, Johnne Patersoun there, Malcolme M°Kie there, Robert Cruikschank in Grayistoun, William Allane there, James Mawer in Tillimorgane, James Ingrame there, 500 merks each, not to harm Thomas Dempster of Auchterles, James Dempster, apparent thereof, his son, Robert Dempster, also his son, Williame Clerk in Knokleith, Adame Gordoun, son of Gordoun of Halheid, Robert Gordoun, merchant, or James Wilsoun in Knokleith. Mr. Laurence M°Gill, advocate, registers the band, subscribed at Aberdene, 5th June, before Mr. Robert Paip, advocate, Mr. William Chalmer, notary public, Mr. James Chalmer, son of Johnne Chalmer of Bolthathan, and Alexander Ord, writer hereof, and servitor to Mr. William Andersoun, burgess of Aberdene.

Acta Caut. 1600-1601. Fol. 328, b.

Williame Forbes of Corsinday for Johnne Forbes of Barnis, Williame Forbes of Tolquhone, Williame Seytoun of Blair, £1000 each, and for Andro Forbes, litster, burgess of Abirdene, and Patrik Forbes, burgess there, 500 merks each, not to harm Williame Forbes of Munnymusk. Mr. Robert Mar, advocate, registers the band, written by Mr. James Forbes of Wodland, and subscribed at Aberdene, 4th June, before Johne Forbes, apparent of Logie, Johne Forbes of Petratoidden, Johne Chalmer, portioner of Wester Fintry, said writer hereof, Mr. Andro Clerk and James Davidsoun, notaries public, burgesses of Aberdene. John Forbes and others.

Fol. 329, a.

Sir James Scrymgeour of Dudhope for Gilbert Gairner, Thomas Gray, William Davidsoun, elder, Johnne Allasoun, baxter, Robert Young, merchant, William Davidsoun, younger, David Coustoun, Patrik Lyn, taverner, James Blak, George Robertsoun, and Roger Bowair, skinners, all burgesses and inhabitants of Dundie, 100 merks each, to appear as witnesses on 25th instant for the farther proving of the pretended complaint by David Drummond, messenger, against the inhabitants of the said burgh. Edinburgh, 12th June. Gilbert Gairner and others.

Johnne Wallace of Menfurd, younger, for Alexander Conynghame of Corshill, 500 merks, not to reset or intercommune with Williame Cuninghame of Tourlandis and Alexander Cuninghame of Waterstoun during their rebellion. Edinburgh, 13th June. Alexander Cunningham.

Fol. 329, b.

Alexander Leslie of Retheis for Johnne Leslie of Wardes, £2000, and for Mr. Williame Leslie of Warthill, £1000, not to harm Johnne Elphingstoun of Babertoun, conform to the charge given to them of date 23rd February last. Mr. George Tod, advocate, registers the band, written by Mr. William Chalmer, notary public, and subscribed at Aberdene, 6th June, before Gilbert Chalmer, fiar of Cultis, Mr. James Chalmer, son of Johne Chalmer of Balbithen, Johne Arbuthnot of Carnegall, and said writer hereof. John Leslie and Mr. William Leslie.

Fol. 330, a.

Johnne Fergusoun of the Ile for Johnne Fergusoun of Craigdarroche, £1000, Robert Fergusoun, his son and apparent heir, 1000 merks, Thomas Fergusoun, also his son, Johnne Fergusoun in Blaroch, Andro Edzer in Mertour, 500 merks each, not to harm Thomas Fergusoun, son of James Fergusoun of Chapelmerk. Edinburgh, 17th June. John Fergusson and others.

William Ardonnochy of that Ilk for Harie Crichtoun of Over Benchell, 1000 merks, not to harm Colene Eviot of Balhoussie,—Johne Haliday, advocate, registering the band, written by Alexander Robertsoun, notary in Perth, and subscribed at Ardonnochy, 16th June, before Sir Patrik Crychtoun of Strathurd, Abraham Crychtoun, portioner of Banchrie, Niniane Crychtoun, portioner of Pitlandie, and the said writer hereof. Harry Crichton.

Fol. 330, b.

Williame Gordoun of Sauchin for Johne Gordoun of Petlurg, to pay to Mr. George Bisset, mair of fee of the shire of Aberdene, 16s. for each poundland of his lands of Newtoun, Kenmudie, Carvechin and Comalegie, and that for his part of the taxation imposed for the raid of Drumfreis when Andro, Lord Stewart of Uchiltrie, was warden of the West March; also, to pay to Sir Alexander Fraser of Fraserburgh, commissioner to the Parlia- Edinburgh, 18th June. John Gordon.

ment held at Edinburgh 1597, 18s. for each poundland of his lands foresaid for his expenses at the said Parliament; farther, to pay to Johne Leslie of Blaquhane and Alexander Irving of Drum, commissioners to the Parliament held in November last, the sum of 31s. 4d. for each poundland of his lands foresaid for their charges at the said Parliament,—in case it be found that he ought to do the same. Acta Caut. 1600–1601.

Robert Douglas. Robert Douglas of Torrence, as principal, and Thomas Douglas of Couthroupell, as surety, 1000 merks, not to harm Johnne Schaw in the mill of Dunsyre.

John Ryburne. Alexander Cuninghame of Corshill for Johnne Ryburne of that Ilk, 500 merks, not to reset or intercommune with Williame Cunynghame of Tourlandis or Alexander Cunynghame of Waterstoun during their rebellion,—Johnne Halyday, advocate, registering the band, written by Johne Nevin of Kirkwod, younger, notary, and subscribed at Corshill, 16th June, before Abrahame Cunynghame, servitor to the Laird of Corshill, Allan Cogwill in Coryhill, Alexander Kenny and Andro Henry in Robertland; Nevin subscribing for Ryburne. Fol. 331, a.

Edinburgh, 19th June. John Vaus and others. Colene Bruce of Westmylnetoun of Gortie for Johnne Vaus of Fornoch, Thomas Vaus, his brother, Jeane Maxtoun, their mother, and Johnne Broun at the mill of Gorthie, £100 each, to answer on 30th June instant to a complaint made against them by Andro Broun in Fornoch for the hurting of him and spoliation of certain corns, with a cow and a horse, belonging to him. Fol. 331, b.

David Liberton and John Whippo. Johnne Castellaw, writer, for David Libertoun, baxter, burgess of Edinburgh, 100 merks, and said David for Johnne Quhippo, his servant, 40 merks, not to harm Johnne Fynlasoun, mealmaker, burgess of Edinburgh, or Margaret Levingstoun, his spouse.

John and Alexander Philpshill. William Schaw of Duncanrig for Johnne Philpshill and Alexander Philpshill in Dykheid in the parish of Kilbryd and shire of Lanark, 300 merks each, not to harm Sir Johnne Lyndsay of Dunrod, conform to the King's letters dated at Edinburgh 29th January 1601. Mr. Johnne M^cGill advocate, registers the band, written by Mr. Johnne Allasoun, notary in Glesgow, and subscribed there 18th June, before Johnne Maxwell of Boisfeild, Archibald Lyndsay in Auldhouse, Mr. Robert Allasoun, and writer hereof,—the last subscribing for William Schaw. Fol. 332, a.

John Dundas. James Dalzell, merchant, burgess of Edinburgh, for Johnne Dundas of Newlistoun, £2000, that, on being freed out of his ward in the castle of Edinburgh, he will repair to his lodging in the burgh and remain there till he satisfies the King's will for the offence committed by him in the "trouble" which fell out between him and James Hammiltoun in the tolbooth of Edinburgh, his Majesty being therein at the time. Fol. 332, b.

Edinburgh, 22nd June. Thomas Fergusson. Johnne Kirkhach of Glenesland, within the barony of Glencairne, for Thomas Fergusoun, son of James Fergusoun, now in Glencrys, 500 merks, not to harm Johnne Fergusoun of Craigdarroch,—Robert Phillope, notary public, subscribing for Johnne Kirkhauch, before Johne Young, servitor to James Prymrois, Clerk of Secret Council, and James West in Sauchtounhall.

Acta Caut. 1600-1601.

Mungo Gowane (Gollane), burgess of Rosmarcene, for Donald Thortoun, burgess of the Chanonry of Ros, 3000 merks, not to harm Johnne Irvine in the Chanonry of Ros. Edinburgh, 25th June. Donald Thornton.

Fol. 333, a.

Robert, Lord Roxburgh, for Dandie Young, called of Cavertoun, and Dandie Young of the Know, either of them to pay to his Majesty 300 merks for shooting with hagbuts and pistolets. Two Dandie Youngs.

Alexander, Lord Home, for Thomas Rutherfurd of Hunthill, to pay to his Highness 500 merks for shooting with pistolets, and to remain in Edinburgh till he make payment of the said sum. Thomas Rutherford.

Fol. 333, b.

Kenneth M°Keinzie of Kintaill for George Dumbar of Awach, 1000 merks, and for George Dumbar, apparent of Awach, James Dumbar of Little Sudy, Mr. Robert Grahme, archdeacon of Ros, George Grahme, his son, Mr. David Dumbar, Robert, Gawin, Colene, Alexander and George Dumbaris, sons of the said George Dumbar of Awach, 500 merks each, not to harm Marjorie Ogilvie, relict of James Dumbar of Tarbert. Edinburgh, 27th June. George Dunbar and others.

Alexander Dumbar of Cumnok for Alexander Dumbar of Tarbert, 2000 merks, to the effect foresaid,—Mr. Johnne M°Gill, advocate, registering the band, subscribed at Forres, 20th June, before Mark Mawer of Stiny, Archibald Douglas, servitor to Alexander Dumbar of Tarbert, and William Forsyth, writer hereof. Alexander Dunbar.

Fol. 334, a.

Alexander Dumbar of Tarbert for Alexander Dumbar of Cumnok, 2000 merks, also to the effect foresaid,—the band registered, etc., as above. Alexander Dunbar.

Alexander Dumbar of Tarbert for Mr. James Dumbar of Sanquhair, 1000 merks, also to the effect foresaid,—the band registered, etc., as above. Mr. James Dunbar.

Fol. 334, b.

Williame Rutherfurd, maltman, burgess of Jedburgh, as principal, and Andro Ker of Mylrig, and Edward Ker, tailor, burgess of Edinburgh, as sureties, 1000 merks, to remain in Edinburgh till he pays to the Treasurer 500 merks for bearing of pistolets,—James Rutherfurd, father of the said William, becoming surety in relief. Edinburgh, 28th June. William Rutherford.

Fol. 335, a.

Johnne Gray, burgess of Muntros, for Nicoll Bull and James Gray, burgesses there, 300 merks, not to harm Johnne Barclay, apparent of Syde. Edinburgh, 2nd July. Nicoll Bull and James Gray.

Thomas Wentoun of Straitmertine for Patrik, Johnne and Peter Pitbladois, 1000 merks each, not to harm Mr. David Barclay of Collerny, or Johnne Barclay, his brother. Edinburgh 3rd July. Patrick Pitblado and others.

Robert Menzeis of Boighoill, burgess of Abirdene, for Robert Inglis, merchant in Fordyce, Patrik Geltie, merchant there, and William Middiltoun, merchant there, 400 merks each, not to harm Johnne Ogilvy of Glassaucht, conform to the King's letters dated 18th June last,—Mr. Lowrence M°Gill registering the band, written by Waltir Robertsoun, clerk depute of Abirdene, and subscribed at Abirdene, 4th July, before James Davidsoun, burgess of Abirdene, Patrik Inglis in Fordyce, David Crombie, servitor to Mr. Thomas Mollisoun, common clerk of Abirdene, and the said writer hereof. Edinburgh, 7th July. Robert Inglis and others.

Fol. 335, b.

Nicoll Cairnecors of Calfhill for Charlis Cairnecors in Birksneip, 500 merks, and for Johnne Watsoun, servant to the said Charlis, 300 merks, not Edinburgh, 9th July.

Charles Cairncross and John Watson. to harm Agnes Lauder, relict of William Lauder in Cauldscheillis, or George Pringle, her spouse. Acta Caut. 1600–1601.

Edinburgh, 10th July. Mr. Gideon Murray. Thomas Ker of Sunderlandhall for Mr. Gedion Murray of Eliebank, £200, to buy from Sir Michell Balfour of Burley two stands of horsemen's armour, in case it be found that he ought to do so. Fol. 336, a.

Alexander Wood. Johnne Kynneir, fiar of that Ilk, for Alexander Wod of Lamlethame, £500, not to harm Johnne Ramsay of Pryorlethame.

Edinburgh, 11th July. Francis Mowbray. James Aikinheid, merchant, burgess of Edinburgh, for Frances Moubray, son of the late Laird of Barnebugall, 2000 merks, to remain in Edinburgh till relieved by his Majesty, and in the meantime not to invade James Colvill of Easter Weymis,—Sir Robert Melvill of Brynteland and Sir James Sandielandis of Slammannan becoming sureties in relief. Fol. 336, b.

Edinburgh, 15th July. William Hay. William Hay of Lumplum registers an acquittance, subscribed at Edinburgh, 15th July, before George Cokburn and Patrick Little, whereby he acknowledges having received back from James Prymrois, writer, in conformity with a decree obtained by him against James, Lord Hay of Yester, the sum of £15, consigned in the hands of the said Prymrois on the occasion of his (Hay's) suit against the said Lord for suspension of the charges which the said Lord had executed against him (Hay) for relief of the said Lord of the tax of the lands of Lumplum in the late taxation of 200,000 merks and the present taxation of 100,000 merks.

Mr. John Ogilvy. James, Commendator of Incheaffray, for Mr. Johnne Ogilby of Pury-Ogilby, 5000 merks, to go abroad to Flanderis by the last day of November next and not to return without his Majesty's license.

Edinburgh, 16th July. David Carstairs and others. Alexander Wod of Lamlethame for David Carstairs in Lamlethame, Robert Russell there, William George there, Johne Russell in Brymonth, Archibald Russell there, Andro Dik in Grange, Thomas Andersoun in Lamlethamemylne, Johnne and Duncane Gregis there, Andro Emmery in the Wester Grange, and Thomas Peblis of Lambo, 200 merks each, not to harm Johnne Ramsay of Pryorlethame. Fol. 337, a.

Edinburgh, 17th July. Thomas Lauder and others. Williame Lauder of Quhittislaid for Thomas Lauder, his brother, Alexander Wilkiesoun, burgess of Lauder, Frances Wilkiesoun, his eldest son, there, William Pringle there, George Pringle there, William Pringle, sometime officer, Andro Mekill there, Robert Woddell there, Adame Moffat there, Gilbert Lauder there, George Gibsoun there, 300 merks each, not to harm Chairlis Cairnecors of Birksneip.

Hew Kennedy. Robert Grahame of Knokdoleane for Hew Kennedie of Girvenmanis, £2000, to remain in Edinburgh till relieved by his Majesty. Fol. 337, b.

James Douglas. Robert Chancellar, younger of Scheilhill, for James Douglas, younger of Clapperton, not to harm Johne Guidlat of Uphall, under the pains in the letters to that effect,—Mr. Robert Mar, advocate, registering the band, written by Johne Thomesoun, notary, and subscribed at the Scheilhill and Calder, 15th July, before Patrik Andisoun in Calderhall, Andro Aduart, Johne Andisoun, Johne Chancellar, and Mr. Thomas Maxwell, minister of Quothquhone. Fol. 338, a.

Johne Home of Coldenknowis for William Lauder of Quhitslaid, 1000 Fol. 338, b.

cta Caut. 500-1601.

merks, and for James and Alexander Lawderis, his brothers, 300 merks each, not to harm Charles Cairnecors of Birksneip,—Johne Halyday, advocate, registering the band, subscribed at Coldenknowis, 15th July, before Frances Wilkiesoun in Lauder, writer hereof, Harie Home, brother of the said Johne Home, and Thomas Cranstoun, his servant. William Lauder and others.

Thomas Fynlaysoun, merchant, burgess of Edinburgh, for Thomas Man, burgess of Dundy, 500 merks, not to harm the provost, bailies and council of Elgyne. Thomas Man.

ol. 339, a.

William Bruce of Erlishall for James, Master of Rothes, 3000 merks, not to harm George Clapen of Carslogy, or Arthour Clapen and Frances Orme, his servants. Falkland, 21st July. The Master of Rothes.

Mr. Alexander Beatoun of Hospitalfeild for Alexander Balbirny of Innerrychtie, £1000, and for Johnne Balbirny, his uncle, £500, not to harm Thomas Richartsoun in Chirnesyde of Densyde,—Mr. Johnne Dauling, advocate, registering the band, written by David Wilsoun, notary, and subscribed at Carsgowrye, 21st July, before Henry Guthrie in Glenboy, Archibald Beatoun, the surety's son, Alexander Beatoun, also his son, and James Guthrie, son of the said Henry. Edinburgh, 24th July. Alexander Balbirny and his uncle.

ol. 339, b.

Johnne Grahame of Knokdoliane, as principal, and Robert Grahame of Deifcraig, as surety, £1000, not to harm or molest Johnne Douglas of Hiltoun. John Graham.

Alexander Lesk of Ardmoir for Williame Johnnestoun, burgess of Inverrury, 200 merks, to answer when charged to a complaint given in against him for shooting with guns and pistolets. William Johnston.

ol. 340, a.

Johnne Dumbar, one of the bailies of Forres, for Johnne Dumbar, portioner of Hemprigis, and Johnne Dumbar, his son and apparent heir, £1000 each, and Arthour Murrane, burgess of Forres, for James Dumbar, Alexander Dumbar, Ninian Dumbar and Robert Dumbar, sons of the said William Dumbar, Johnne Baxter, servitor to the said William Dumbar, Martene Thurrell, Johnne Gillaneris, Roger Wyisman, Andro Forsyth, and James Wricht, servitors to the said William Dumbar, 300 merks each, not to harm Nicoll Watsoun, portioner of Coltfauld, or Johnne Watsoun, his son and apparent heir, conform to the King's letters dated at Edinburgh 12th June last. The band, registered by George Abernethy, is subscribed at Forres, 15th July, before Walter Smyth, messenger, Johnne Tailyiour in Hiltoun, William Urquhart, burgess of Forres, and James Dumbar, writer hereof,—Johnne Dumbar, notary public, subscribing for Johnne Dumbar, surety. John Dunbar and others.

'ol. 341, a.

Andro Ker of Mylnerig for James Polwart of Carlaw, £500, not to harm Mr. Robert Hodge, minister at Torphechin; also, to satisfy the ministers of the presbytery of Linlithgow for the offence committed by him against the said Mr. Robert upon 2nd June last,—whereof he had been convicted in a court of the regality of Torphechin, and for which he had been imprisoned in the castle of Torphechin; and, farther, to satisfy James Sandelandis of Calder, Lord of Torphechin, for breaking the said ward. Edinburgh, 25th July. James Polwarth.

Edinburgh, 28th July. Town of Anstruther.

James Strang, merchant, burgess of Edinburgh, for the bailies, council, and community of Anstruther Wester, to pay to the bailies and council of Anstruther Easter the impost granted to them of all ships and goods entering the harboury of Anstruther Wester,—Henry Kunynghame, notary, burgess of Anstruther Wester, becoming surety in relief. Acta Caut. 1600–1601.

Mr. John Ogilvy.

Sir Johnne Ogilvy of Craig for Mr. Johnne Ogilvy of that Ilk, £1000, to answer upon 24th November next touching his refusal to enter in ward in the castle of Edinburgh.

Edinburgh, 29th July. George Clapen. John Banks and others.

James McGill, fiar of Nether Rankelour, for George Clepoun of Carslogie, 3000 merks, not to harm James, Master of Rothus. Fol. 341, b.

Andro Creich, merchant, burgess of Edinburgh, for Johne Bankis, Johne Falcouner, Johne Craig, Johne and James Brownis, indwellers in the Prestounpanes, 100 merks each, to buy every one of them from Sir Michaell Balfour of Burley a stand of footmen's arms.

Edinburgh, 31st July. Nicol Watson and others.

Patrik Dumbar of Conzie for Nicoll Watsoun, portioner of Coltfauld, £500, Johne Watsoun, his son, 500 merks, and James Collie and Johne Thomsoun, his servants, 300 merks each, not to harm William Dumbar of Hemprigis, or Johne and James Dumbaris, his sons. Fol. 342, a.

Alexander Wood.

Gavin Weymis of Unthank, and Mr. James Weymis, fiar of Lathoker, for Alexander Wod of Lamlethame, 3000 merks, not to harm Johnne Ramsay of Pryorlethame,—Mr. Johnne Dempster, advocate, registering the band, written by Johne Moreis, servitor to Mr. William Weymis, advocate, and subscribed at Sanctandrois, 30th July, before Mr. William Weymis, advocate, David Wilsoun, servitor to the said Alexander, and the said writer hereof. Fol. 342, b.

Edinburgh, 6th August. Charles Cairncross.

Robert Cairnecors, merchant, burgess of Edinburgh, for Charlis Cairncrois of Birksneip, 1000 merks, not to harm Williame Lauder of Quhittislaid.

Edinburgh, 8th August. Alexander Bonar.

James Weymis of Bogie for Alexander Bonar of Balgirscho, 1000 merks, not to harm Johnne Grahame of Balgown,—Mr. Johnne Dempster, advocate, registering the band, written by Diones Conqueror, notary in Perth, and subscribed there, 7th August, before said writer hereof, Thomas Clerk, servitor to the said Alexander Bonar, and Johne Lawsoun. Fol. 343, a.

Falkland, 10th August. Andrew Paterson and others.

Andro Aitoun of Dunmure for Andro Patersoun, portioner of Luchrie, and George Patersoun, his son, either of them in £500, and for Andro and Johne Patersonis, also his sons, 300 merks each, not to harm Johne Kinloch and Robert Clerk, portioners of Luchrie.

John Kinloch and others.

Patrik Scot, eldest son of Alexander Scot of Barmeny, for Johne Kinloch and Robert Clerk, portioners of Luchrie, either of them in 500 merks, and for James, Johne, Alexander, George and Robert Clerkis, sons of the said Robert Clerk, 200 merks each, not to harm the said Andro Patersoun, or George, Andro and Johne Patersonis, his sons. Fol. 343, b.

Falkland, 13th August. The Master of Ogilvy.

Mr. David Ogilvy, fiar of Pitmoueis, for James, Master of Ogilvy, 5000 merks, to answer upon 15th September next "anent the lenning" of his place of Boschen to the late James Wod, son of the Laird of Bonytoun,

Acta Caut. 600-1601.

who was resetted therein with the evidents and writs which he had taken furth of the place of Bonytoun (*ante*, 235, n.); also, to enter the said day

Fol. 344, a.

James Gordoun, his servant, to answer for the bearing of pistolets upon the high street of Edinburgh.

Edinburgh, 13th August. Ralf Ker and his spouse.

Thomas Ker of Schaw for Ralf Ker in Lauder, and Margaret Borthuik, his spouse, 500 merks, not to harm Agnes Lauder, relict of William Lauder in Caldschellis, or Richart Lauder, her son, especially in the lands of Caldschellis. The band, registered by Mr. Johnne McGill, advocate, and written by Williame Bowie, notary in Lauder, is subscribed at Schaw, 10th August, before David Ker, his son, Robert Ker of Newhall, and Johnne Hendersoun.

Edinburgh, 21st August. John Stoddart.

Williame Bothuell of Quhelpisyd for Johnne Stodhird, minister at Campsie, £500, not to harm Archibald Lennox or Duncane Lennox in Parkstoun.

Fol. 344, b.

John Haliburton.

Johnne Halyburtoun of Mertoun, as principal, and Johnne Home of Coldenknowis, as surety, not to harm Margaret Greif, relict of Henry Halyburtoun, his father, under the pain of 1000 merks,—Mr. George Wauchop, advocate, registering the band, written by Johne Scot, notary, and subscribed at Mertoun and Coldenknowis, 20th August, before James

Fol. 345, a.

Pringle in Smellamecraigis, Mark Halyburtoun in Dalcoife, said writer hereof, Thomas Cranstoun, Johnne Wallace, and Johnne Cairncors.

Thomas Paton.

Alexander Nisbit of Greneholme for Thomas Pawtoun in Castelhill, not to harm Johne Grahame of Knokdoliane, under the pains in the King's letters of date 31st July last,—Mr. George Wauchop registering the band, subscribed at the Newmylnis in Lowdoun, 19th August, before James Nisbit in Trochesey, Johne Thomsoun in Greneholme, and Crustinus Baillie, notary, writer hereof, the last subscribing for the surety and principal.

Fol. 345, b.

Edinburgh, 24th August. William Moncreiff.

Mr. Johnne Moncreiff of Easter Moncreiff for William Moncreif of that Ilk, 4000 merks, not to harm Johnne Melvill of Carnbie,—Johnne Halyday, advocate, registering the band, subscribed at Easter Moncreif, 23rd August, before Mr. Patrik Weymis, minister at Dumbarnie, Mathow Moncreif of Kintilloch, and Andro Dysart, and James Logie, writer hereof, servitors to the said Mr. Johne.

Fol. 346, a.

Edinburgh, 27th August. Henry Wardlaw.

Henry Wardlaw of Balmull, as principal, and Archibald Ros, merchant, burgess of Edinburgh, as surety, £1000, not to harm Mr. Edwart Bruce, commendator of Kiulos. Deleted with consent of party: J. Prymrois.

Edinburgh, 29th August. Patrick Johnstone.

Mr. David Ogilvy, fiar of Pitmowes, for Patrik Johnnstoun in Haltoun of Balhelvie, £100, to answer upon 15th September next to a complaint against him by Sir Johnne Lindsay of Ballinscho; also, to pay to the Treasurer £20 for his escheat within 40 days hereof or else obtain nullity of the horning against him for not answering to the said complaint.[1]

Fol. 346, b.

Edinburgh, 1st September. Earl of Cassillis.

Johnne Corrie of Kelwode and Gilbert Fergussoun of Dalduff for Johnne, Earl of Cassillis, 3000 merks, not to harm Hew Kennedy of Bennan, Thomas and Hectour Kennedyes, his brothers, or Waltir Mure

[1] For additional acts of caution dated in August see *infra*, p. 695.

of Cloncaird. The band, registered by James King, advocate, and written by Oliver Ros in Maybole, is subscribed there, 30th August, before David Kennedy of Auchleffin, Mr. Christopher Cokburne, Richart Spens, and said writer hereof, servitors to the said noble Earl. Acta Cant. 1600-1601.

Edinburgh, 3rd September. Alexander Melvill.

Johnne Melvell, elder of Carnebie, for Alexander Melvell, his son, 2000 merks, not to harm William Moncreiff of that Ilk,—Mr. Thomas Gray, advocate, registering the band, written by David Skynner, notary public, and subscribed at Sanctandrois, 1st September, before Waltir Geddie, citizen there, William Geddie, his son, Andro Masoun, servitor to the said Johnne, Chairlis Geddy, son of the said Waltir, Johnne Lawsoun, notary public, said writer hereof, and David Gall, servitor to the said Waltir. Fol. 347, a.

Edinburgh, 4th September. Burgh of Renfrew.

James Hall of Foulbar and James Crawfurd of Flottertoun for the bailies, council, and inhabitants of the burgh of Renfrew, and the mariners, boatsmen, and owners of all "couper boitis" of the said burgh repairing to the fishing of the Isles, called the herring fishing, or to the herring fishing in the wester seas between the Pentland Firth and the Brig of Glasgow, to pay to Aulay M°Awlay of Ardincapill, alleged tacksman of the "assyis aill" accustomed to be taken of the said boats, the said "assyis aill" or the accustomed duty thereof for each boat of the said burgh, conform to the tack made to him of the same, in case it be found and tried that they ought to do so. The band, registered by Mr. Thomas Nicolsoun, advocate, and written by William Sommervaill, notary and common clerk of the said burgh, is subscribed at Dumbartane, 1st September, before Sir James Scrymgeour of Dudhop, Duncane Campbell of Danna, Dougall Campbell of Kilmory, Johnne Knox of Milburne, and Mr. James Kirk. Fol. 347, b.

Thomas Peebles.

Johnne Weymis of Cuthilhill for Thomas Peblis of Lambo, £1000, not to trouble Johnne Ramsay of Pryorlethame in his possession thereof, —Mr. Henry Balfour, advocate, registering the band, subscribed at Craigtoun, 2nd September, before Mr. James Wilkie, one of the regents of St. Clenod's College, Alexander Myller, wright, and Andro Wilson, mason. Fol. 348, a.

Edinburgh, 7th September. John Hannay.

Hew Gordoun of Grange for Johnne Ahannay of Kirkdaill, 500 merks, not to reset or intercommune with Catherine Ahannay, relict of Johnne Dumbar in Orchartoun, or Johnne Dumbar, now her spouse, who are denounced rebels at the instance of Gawin Dumbar of Baldoun (Bandone), during the time of their rebellion. The band, registered by Mr. Thomas Mawer, advocate, and written by Johnne Turner, notary, is subscribed at Wigtoun, 1st September, before Michaell Cochran, sheriff of Wigtoun, said writer hereof, Patrik [? son] to Johnne Edzer, bailie of Wigtoun, and Patrik M°Kie, burgess there. Fol. 348, b.

John Hannay, younger.

Johnne Ahannay of Kirkdaill for Johnne Ahannay, younger of Sorbie, 500 merks, to the effect foresaid,—Mawer registering the band, written by Johnne Dumbar, servitor to Michaell Cochrane, and subscribed at Wigtoun, 2nd September, before the said sheriff clerk, Johnne Turner, notary, Johnne Edzer, bailie, and Patrik M°Kie. Fol. 349, a.

Alexander Dunbar.

Alexander Ahannay of Sorbie for Alexander Dumbar of Egernes, 500 merks, also to the effect foresaid,—the band, written by Andro Fol. 349, b.

cta Caut. 500–1601.

Ahannay, servitor to the said sheriff clerk, being registered, dated and witnessed, as above.

ol. 350, a.

Alexander Dumbar of Egernes for Alexander Ahannay of Sorbie, 500 merks, also to the effect foresaid,—the band registered, etc., as above. Alexander Hannay.

ol. 350, b.

Alexander Makmathe, merchant, burgess of Edinburgh, for Mr. James M°Macht of Dalspeder, 1000 merks, not to reset or intercommune with Williame Creichtoun, elder of Libery, who is put to the horn at the instance of Elizabeth Mure, relict of William Creichtoun, younger of Libery, during the time of his rebellion. Edinburgh, 8th September. Mr. James MacMath.

"The actis of cautioun, quhilkis wer [taken] the tyme of his Majesties progres to the west pairtis of this realme and utheris beyond Forth in the monethis of August and September 1601, as efter followis."

Sir Robert Creichtoun of Cluny for Hew Kennedy of Bennane and Walter Mure of Cloncard, either of them in 500 merks, and for Thomas Kennedy, brother of the said Hew, 300 merks, to answer when required to any criminal matters that can be laid to their charge. Stirling Castle, 22nd August. Hew Kennedy and others.

ol. 351, a.

Sir Johnne Vaus of Longcastell for Alexander Stewart of Gairleis, to pay to the Treasurer the sum of 200 merks for his escheat in case the horning used against him for not subscribing an assurance to Johnne Kennedy, younger of Blairquhan, be found lawful and sufficient. Stirling, 25th August. Alexander Stewart.

James Hall of Foulbar for Donald Campbell of Dronzie, bailie of Rosneith, 1000 merks, not to harm George Houstoun in Mamoir,—Mr. Robert Young, registering the band, written by Peter Algeo, and subscribed at Dumbartane, this day, before Walter Colquhoun of Kilmardony, Robert Colquhoun, servitor to Alexander Colquhoun of Lus, Thomas Inglis, burgess of Paisley, and Peter Algeo, his servant. Dumbarton, 29th August. Donald Campbell.

ol. 351, b.

James Denneistoun of Cowgraine for Duncane Campbell, captain of Carrik, 1000 merks, to the effect foresaid,—the band registered, etc., as above. Duncan Campbell.

Thomas Trumbull, apparent of Minto, for Andro and Hectour Trumbullis, called of Bewlie, either of them in 500 merks, to underlie the laws before the justice when required for any crimes that can be laid to their charge, and also to pay to his Majesty 200 merks for shooting with pistolets. Glasgow, 30th August. Andrew and Hector Turnbull.

ol. 352 a.

Hew Montgomerie of Braidstaine for Johnne Michell in Ardrossane, Johnne Montgomerie in Busbie, James Robiesoun in Saltcotis, Johnne Robiesoun there, James Broun there, and Mathew M°Kie there, 300 merks each, to answer on 5th November next to a complaint against them by Robert Boyd of Badinhaith for taking the fortalice of Little Cumray and spuilying the goods therein; also, to pay each of them £20 for his escheat to the Treasurer within 40 days hereof, or else obtain nullity of the horning used against them for their non-compearance to answer to the said complaint. Glasgow, 31st August. John Mitchell and others.

Alexander Colquhoun of Lus for Captain Andro Bruce, Robert Watsoun in Binkieburne, Waltir Patersoun, Johnne Downy, Robert Craufurde, James Ker, Johnne Mureheid, Johnne Gilchrist, James Allane, Bessie Hamilton, 1st September. Captain Andrew Bruce and others.

Ramsay, William Rea, miller, Johnne Rea, cordiner, Thomas Craufurde, Johnne Mayne, Johnne Richartsoun, William Rea, cordiner, Edward Allane, James Hill and William Hill, cordiners, and James Gilchryst, tenants and occupiers of the lands of Mekle Sauchie, 500 merks each, not to harm Johnne Charteris of Kinfawnis or Sir Hary Lindsay of Carristoun, conform to the King's letters of date 13th July last. The band, registered by Mr. Robert Young, is subscribed at Kilmordony, 1st September, before Waltir Colquhoun of Kilmordony, Johnne Buchannane, writer, Johnne Gibsoun, his servitor, writer hereof, and Johnne Bountene, "my servitour." Acta Caut. 1600-1601. Fol. 352, b.

Hamilton, 3rd September. William Lauder.

Henrie Lawder in Dumbar for William Lawder, burgess there, 500 merks, that, on being freed out of his present ward in the castle of Blaknes, he shall satisfy, within 20 days, the provost and bailies of Dumbar for the offence committed by him against them; also, that he shall behave obediently to the magistrates of the said burgh in time coming.

Stirling, 8th September. Lord Kinloss.

Patrik Bruce of Grene for Edward, Commendator of Kinlos, £1000, not to harm Henry Wardlaw, burgess of Edinburgh. Deleted with consent of party: J. Prymrois.

Sir James Edmiston and others.

Williame Edmestoun, fiar of Duntreith, and George Stirling of Ballagane, for Sir James Edmestoun of Duntreith, 2000 merks, Alexander Edmestoun, his servant, James Edmestoun in Ballewne, Andro Lyll at the mill of Duntreith, James , fiar in Duntreith, Thomas Lyll there, Johnne Brashe there, 400 merks each, not to harm Johnne Lennox of Ballewne, or Johnne Lennox, his son and apparent heir. Fol. 353, a.

James Hall.

Robert Semple of Foulwode for James Hall of Foulbar, 1000 merks, not to harm Tobias Smallet, burgess of Dunbertane.

Tobias Smollett.

Hew Montgomerie of Braidstane for Tobias Smallett, burgess of Dunbertane, 1000 merks, not to harm James Hall of Foulbar.

Robert MacAlpin.

Sir James Edmestoun of Duntreith for Robert M°Calpine in Duntreith, 500 merks, to underlie the laws before the justice when required for the slaughter of Patrik Dyn in Duntreith. Fol. 353, b.

"Certane actis of cautioun the tyme of his Majesteis residence at Perth and Falkland in the moneth of September 1601." Fol. 355, b.

Falkland, 10th Sept. John Mitchell.

Robert Seytoun, vicar of Logie, for Johnne Michell, officer in Tullibody, not to harm Sir Patrik Creichtoun of Straythurde, under the pains in the letters executed against him. The band, registered by Mr. Robert Young, is subscribed at Stirling, 12th August, before James Leslie, servitor to my Lord of Lendoiris, James Muschat, David Muschat of Orchartheid. Fol. 356, a.

Perth, 12th Sept. Mr. Walter Stewart.

Thomas Duff, merchant, burgess of Perth, for Mr. Walter Stewart, schoolmaster of Dunkeld, to pay to James Ogilbie, son of James, Master of Ogilbie, tacksman of the teinds of the parsonage and vicarage of the kirks of Stratherly and Mulyen,—for his relief of the taxation of the said kirks in the taxation of 200,000 merks granted to his Majesty in February last,—such sums for the tax of his lands of Balmakillie as the Lords of Secret Council shall decern him to pay.

Acta Caut. 1600–1601. Fol. 356, b.

James Campbell, fiar of Laweris, for William Edmestoun, fiar of Duntreyth, £1000, not to harm David Muschet, portioner of Murdochstoun. Falkland, 13th Sept. William Edmiston.

Patrik Hay of Meginche for Patrik Gray of Balgarno, to make the teinds of the lands of Bandene furthcoming to Williame of Bandene, or any other person claiming right thereto, if it be found that Gray has no title to the same. Mr. Robert Young registers the band, written by William Hay, agent, and subscribed at , September 1601, before Peter Hay of Kirkland, George Hay of Netherliff, prior of Charterhous, George Hay of Ros, Patrik Con of Auchry, and the said writer hereof. Falkland, 14th Sept. Patrick Gray.

James Betoun of Melgund for Alexander Guthrie in Crathymylne, to appear before the King and Council at Dunfermeling on 22nd September instant and answer for his lying at the horn at the instance of Alexander Gairdin, son of the late David Gairdin of Leyis, for not flitting and removing from the lands of Mylnetoun of Tullois, and for not paying to said Gairdin the violent profits of the said lands with the teind sheaves and pertinents thereof, or else the value thereof,—as extending to 2280 merks as for the principal, together with £10 as for expenses and 40s. paid to the collector of the Lords of Council and Session—conform to a decree obtained against him, under the pain of 2298 merks. Sir Thomas Lyoun of Auldbar becomes surety in relief. Falkland, 15th Sept. Alexander Guthrie.

Fol. 358, b.

Thomas Ker of Caveris for Sir Andro Ker of Phairnihirst, £2000, to enter Mark and Andro Trumbullis, called of Bewly, Eckie Trumbull of the Firth, Eckie Trymbull, called in Stanelege, and James Trymbull, servant to the Laird of Mynto-Trymble, before the justice in the tolbooth of Edinburgh by the 28th instant, to underlie trial for such crimes as they are suspected guilty of. Dunfermline, 21st Sept. Sir Andrew Ker.

Fol. 353, b.

Captain James Huntar, burgess of Edinburgh, for James Huntar of Ballagan, 1000 merks, not to reset or intercommune with Williame Creichtoun, elder of Libery, who is denounced rebel at the instance of Elizabeth Mure, relict of Williame Creichtoun, younger of Libery, during his rebellion. Edinburgh, 11th Sept. James Hunter.

Williame M^{c}Kartnay, clerk of the cocket of Edinburgh and indweller in Leith, for James Keith in Auchquorsk, 100 merks, to answer before the Lords of Secret Council on 1st November next to the "challenge" made by George, Earl of Merschell, against him for invading certain persons with pistolets (for which the said Earl has caused summon him to appear before him and his deputes). Edinburgh, 14th Sept. James Keith.

Fol. 354, a.

William Auchterlony of that Ilk for David Ogilbie, elder in Mekill Kenny, and William, Archibald, and Walter Ogilbies, his sons, 1000 merks each, and for David and Thomas Ogilbies, also his sons, either of them in 500 merks, not to harm Walter Ferriar in Thunnellie. The band, registered by Mr. Henry Balfoure, advocate, and written by Patrik Lyell, servitor to Mr. Alexander Persoun, common clerk of Aberbrothok, is witnessed at Edinburgh, 15th Sept. David Ogilvy and others.

Kelly and Keny, 9th and 10th September, by Gilbert Auchterlony, brother of the said William, Patrik Auchterlony, son of the said William, and William Auchterlony, servitor to the said William,—Walter Schewane, notary public, subscribing for the parties unable to write at Keand, 11th September, before Johne Frendreich (Pendricht) in Keriemure, Alexander Pigoit there, James Quhannan there, P. Lyell. Acta Caut. 1600-1601. Fol. 354, b.

Edinburgh, 16th Sept. David Crawford.

Alexander Cuninghame of Craigence for David Crawfurd of Cartisburne, £1000, not to harm James Barclay, servitor to James Cuninghame of Glengarnok,—Mr. Umphra Blinsela, advocate, registering the band, subscribed at Craigenis, 10th September, before Gabriell Coninghame, brother of the said Alexander, Alexander Howstoun, Robert Cuninghame, and Patrik Walkinschaw, "my servantis."

Edinburgh, 17th Sept. Mr. Robert Linton and John Boncle.

Mr. Robert Lintoun, advocate, as principal, and Johnne Douglas, tailor burgess of Edinburgh, as surety for him, 1000 merks, and for Johnne Boncle, his tenant, 400 merks, not to harm Robert Schaw of Foulscheillis. Fol. 355, a.

Provost and Bailies of Irvine.

Lawrence Scot, writer in Edinburgh, and Alexander Montgomry, merchant, burgess of Irvine, for Patrik Tran, provost, Thomas Cumming and William Patoun, bailies, of Irvine, not to attack, poind, ward, or any ways proceed against James, Earl of Glencairne, or his men and dependers within his jurisdiction,—especially Robert Blak in Saltcottis, Thomas Lapt there, Johne Howie, Thomas Harbert, James Gillies, Johne Blak, Mitchell Auld, Johne Braidschaw, Allester Gastoun, David Gastoun, Robert Gastoun, Adame Lorymer, Peter Lapt, Johne Ligat, Johne Boyd, and Joseph Cunynghame there,—but to suffer them to brook the benefit of an exemption obtained by the said Earl in their favour, in case it be found that they ought to do so. Fol. 355, b.

Edinburgh, 18th Sept. Mr. William Simson and others.

Johnne Scheirer, merchant, burgess of Stirling, for Mr. Williame Symsoun, minister at Dumbartane, Dunlop, relict of Mr. Johne Ros, last minister thereof, Williame Stewart of , constable of the Castle of Dumbartane, and for the provost and bailies of the burgh of Dumbartane, with the other inhabitants thereof, to make the teind-sheaves, both parsonage and vicarage, of the half kirk of Dumbartane, furthcoming to Johnne Cunninghame of Drumquhassell, assignee appointed thereto by Robert Cuninghame, now of Moffet, principal tacksman of the said teinds, in case it be found that the same ought to be done.

Edinburgh, 23rd Sept. Thomas Sheill.

James Dalzell, merchant, burgess of Edinburgh, for Thomas Scheill in Dalkeith, £40, to buy from Sir Michell Balfour of Burley a stand of footmen's armour, in case it be found that he ought to do the same. Fol. 357, b.

Edinburgh, 24th Sept. Abbot of Inchaffray and Andrew Rollock.

James, Commendator of Incheffray, as principal, and Johnne Drummond of Drummanerinoch, as surety, £2000, and said James for Andro Rollok of Duncrub, 2000 merks, not to harm Cristeane Chalmer, relict of Umphra Rollok at the mill of Fyndynning.

Edinburgh, 25th Sept. John Robertson and others.

Johnne Charterhous of Kilphauis, and Sir Harie Lyndsay of Carrestoun, fiar thereof, for Johnne Robesoun in Charteroushall, William Roy there, Robert Jaffray in Duppisyd, Alexander Patersone, younger, Alexander Fol. 358, a.

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Patersoun, elder, in Lytilcungus, Henry Jaffray there, Alexander Jaffray, smith, there, Robert Richartson there, Alexander Neilsoun in Craigend, David Liddill, Alexander Allane, William Bow, William Stevin, Robert Stevin, Thomas Eldare, Johnne Neilsoun in Craigquarter, Johne Jamesoun, Alexander Neilsoun in Lostet-quarter, Johne Neilsoun, William Andro, Helene Neilsoun, Walter Patersoun in Middlequarter, James Robesoun, Gilbert Allane, James Gallaspie, Johne Crawfurd, Elizabeth Stevinsoun in Halquarter, Johne Neilsoun, Robert Young in Buckissyd, James Scune, James Thomsoun, Alexander Johnnstoun in Heidrowme of Caignoch, Johne Broun there, and Robert Robesoun in Pitfurd, "our tennentis of Craignoch," 500 merks each, not to harm Alexander Colquhoun of Lus and Johnne Erskyne of Balgownie, portioners of the lands and barony of Sauchie lying within the shire and lordship of Stirling, dame Jeane Hammiltoun, Lady Lus, liferenter thereof, Johnne Campbell of Arkinles, her spouse, Robert Watsoun in Mekill Sauchie, Walter Patersoun there, Captain Andro Bruce there, Johne Downy, James Keir, Johne Mureheid, William Hill, James Hill, Eduart Allane, Johne Mayne, William Rey, Johne Rey, cordiner, William Rey, miller, James Gilchryst, Robert Crawfurd, Bessie Ramsay, relict of Robert Crawfurd, James Allane, Johne Gilchryst, smith in Boigsyd, Robert Gilchryst, weaver, his brother, there, Johne Richartsoun there, James Keir there, Walter Douglas in Little Sauchie, Alexander Froster there, Henry M^{c}Intalyeour there, Thomas Crawfurd there, Mathow Crawfurd there, Patrik Richartsoun there, or James Jaffray there. The band, registered by Mr. Johnne Johnnestoun, advocate, is subscribed at Pitschyndie, 6th September, before Mr Johnne Lyndsay, James Wilsoun, James Donald, and Johne Lyndsay, writer hereof, "our servitouris."

Fol. 358, b.

Edinburgh, 26th Sept. George Houston.

Patrik Makawlay of Ballimenoch for George Houstoun in Mamoir, 500 merks, not to harm Duncane Campbell, captain of Carrik, or Donald Campbell of Dronzie, bailie of Rosneith,—James King, advocate, registering the band, subscribed at Dumbartane, 22nd September, before Patrik M^{c}Awlay, messenger, Alexander M^{c}Awlay in Strone, James Elphingstoun, servitor to the Laird of Ardincaple.

Fol. 359, a.

Edinburgh, 28th Sept. John Miller and others.

Adame, Commendator of the abbey of Cambuskynneth, for Johnne Myller in Tullibody, Johnne Moreis there, Robert Andersoun in the Grene, David Ray there, Johne Andersone there, David Jamesoun in the Fald, William Strauchane, miller there, Robert Strathauchane there, Robert Andersoun in Lymkillis, and Johnne Blakcok in Cambusmylne, 300 merks each, not to harm Sir Patrik Creichtoun of Strathurde. The band, registered by Mr. Thomas Craig, advocate, and written by Alexander Barclay, servitor to Johne Williamsoun, sheriff clerk of Stirling, is subscribed at Stirling 26th September, before Umphra Cuninghame, parson of Kilmairtine, Mr. Johnne Elphingstoun, parson of Innernachtie, and Mr. Alexander Yuill, master of the grammar school at Stirling.

Fol. 359, b.

Robert Grahame and Adam Dods.

Symound Tuedy, portioner of Lyntoun, for Robert Grahame in Slipperfeild, 1000 merks, and for Adame Dodis, his tenant in Walkfeild, 400 merks, not to harm David Lytill of Baldronishill,—Mr. Thomas Craig,

advocate, registering the band, written by Mr. David Mureheid, and subscribed at Lyntoun, 27th September, before Williame Douglas in Tounheid of Lyntoun, Johnne Grahame there, and James Russell there. Acta Caut. 1600–1601.

Linlithgow, 29th Sept. Robert Sempill.

Johnne Naper of Kilmahew, younger, for Robert Sempell of Foulwod, 2000 merks, not to harm Aulay M^cAwlay of Ardincapill,—Mr. Robert Young registering the band, written by Peter Algeo, notary public, and subscribed at Paisley, 27th September, before Thomas Inglis and Johnne Vaus, bailies of Paisley, said writer hereof, and Johnne Henrysoun, notary public. Fol. 360, b.

William Stewart and others.

Henry Fithie, fiar of Boysake, for Williame Stewart, sometime of Seytoun, £1000, and for Johnne Broun in Garthie, Alexander Comeing, weaver in Cowstanes, James Clerk, Petir Brow, Johnne Gordoun, and James Clerk, cottars there, 300 merks each, not to harm Johnne Horrie in Kowstanes. The band, registered by Mr. Thomas Wilsoun, is subscribed at Abirbrothok, 28th September, before Gilbert Gairdin, Thomas Gairdin, brother of the Laird of Gairdin, Mr. George Aikman, notary in Abirbrothok, William Haig, tailor in Dundie, and Johnne Wilsoun, writer hereof. Fol. 361, a.

Edinburgh, 5th October. Alexander Stewart and others.

Harie Stewart of Craigiehall for Alexander Stewart of Gairlies, Alexander Ahannay of Sorbie, Johnne Ahannay, his son and apparent heir, Johnne Ahannay of Kirkdaill, and Alexander Cuninghame of Powtoun,—who are put to the horn for not subscribing an assurance to George Murray of Brochtoun,—to pay among them to the Treasurer within 40 days hereof £200 for their escheat goods, in case it be found that they are orderly denounced rebels.

Francis Mowbray.

It being the King's will that Frances Moubray, son of the late Johnne Mowbray of Barnebugall, shall go abroad, said Frances now obliges himself that, on being freed furth of his present ward in Edinburgh Castle, he shall, within 48 hours thereafter, repair to Bruntiland to Sir Robert Melvill of Bruntiland, and that he shall remain in said Sir Robert's company till he depart furth of this realm—which he is to do within six weeks after his relief furth of the said ward,—and that he shall not return to this country without his Majesty's license, under pain of perjury and infamy. Mr. Johnne Dempster, advocate, registers the band, subscribed at Edinburgh Castle, 5th October, before Charlis Panter, constable of the said Castle, James Maistertoun, master porter thereof, James Aikinheid, merchant, burgess of Edinburgh, Andro Young, servitor to Johnne, Earl of Mar, Johnne Young, servitor to James Prymrois, Clerk of Secret Council, George Brok, servitor to the said Frances, and Robert Makcawlay. Fol. 361, b.

Edinburgh, 6th October. John Crawford.

Andro Crawfurd of Baidland for Johnne Crawfurd of Kilbirny, £2000, not to harm David Barclay of Ladyland,—Mr. Johnne Dempster, advocate, registering the band, written by Johne Ramsay in Paisley, and subscribed at Baidland, 3rd October, before David Crawfurd and Patrik Crawfurd, sons of the said Andro, Archibald Stewart, servitor to Johnne Crawfurd of Kilbirny, and J. Ramsay. Fol. 362, a.

Edinburgh, 10th October.

Sir Johne Ogilbie of Cragie for David Ogilbie in the Weltoun of

Acta Caut. 1600–1601.

Corquhoy, and Jeane Jamesoun, "his spous future," not to harm Thomas Wytand, son and heir of the late Thomas Wytand, portioner of the said Weltoun, under the pains in the letters raised against them. The band, registered by Archibald Boyd, advocate, and written by James Sanderis, notary, is subscribed at Westercraig, 8th October, before Williame Ogilbie, James Small, Patrik Guthrie, servitors to the said Sir Johnne, and the said writer hereof. David Ogilvy and Spouse.

Fol. 362, b.

Robert Skirling, flesher, burgess of Edinburgh, for the provost and bailies of Edinburgh, and for Archibald Stewart, deacon of the weavers, and his brethren, not to impede or stop George Dragg, Dutchman, or his servants, in the using of a gift obtained by him from his Majesty touching the weaving of fustians of all sorts and all other kind of stuffs, in case it be found that they ought not to do the same. Edinburgh, 12th October. Weavers of Edinburgh.

Andro Pitcairne of Innernethie for Mr. Johnne Ogilbie of that Ilk, 3000 merks, not to harm Thomas Moir in Aberregie, James Moir, his son, there, Peter Pittinbrog there, Andro Pittinbrog there, William Myller there, Alexander Hendersoun there, and Mitchell Hendersoun there. The band, registered by Mr. Laurence M°Gill, advocate, and written by Johnne Ros, servitor to Mr. Johnne Paip, writer, is subscribed at Innernethie, 10th October, before James Pait in Carie, and Androw Pitcairne, younger. Mr. John Ogilvy.

Fol. 363, a.

David Muschet, portioner of Murdochstoun, for Finla Lamb, elder, and Finla Lamb, younger, in Calyechat, not to trouble William Edmestoun, fiar of Duntraith, and his tenants, in the peaceable possession of their lands of Calyechat, under the pains in the King's letters of date 14th September 1601. The band, registered by James Stirling, advocate, and written by Alexander Porter, notary, is subscribed at Orchartheid in Kincairdin in Menteith, 11th October, before James Dog of Garncaber, Walter Grahame, son of Harie Grahame of Mekilwood, Robert Muschit, the surety's son, and said writer hereof. Finlay Lamb elder and younger.

Fol. 363, b.

Sir Thomas Kennedy of Culzeane for Johnne Mure of Auchindrane, 3000 merks, not to harm Mathew Stewart of Dunduff, alleged tutor dative to Jonet Kennedy,—Mr. Richart Spens, advocate, registering the band, written by Johnne Mure in Maybole, and subscribed at the Coiff, 10th October, before David Campbell in Balcuillie, Patrik Young in Holmeheid, Johnne M°Gill, brother of my Lord of Cranstoun-Riddell, and Gilchrist M°Gill. Edinburgh, 13th October. John Mure.

Fol. 364, a.

Williame Ker of Saltounhall for Mr. Williame Leslie of Civillie, 3000 merks, not to reset or intercommune with Thomas Dempster of Auchterles, or James Dempster, his eldest son and apparent heir, and certain other rebels put to the horn at the instance of the Treasurer and Mr. Johnne Dempster, advocate, in case it be found that he ought not so to do. Mr. William Leslie.

Fol. 364, b.

Donald Munro, portioner of Culcragy, for Donald Fynlaysoun, merchant in Dowlair in Alnes, *et vice versa*, either of them in £500, not to harm Alexander Munro in Doulair in Denibruch. Edinburgh, 14th October. Donald Munro and Donald Finlayson.

Hew Montgomry of Smeithstoun, bailie of the regality of Kilwyning, for Robert Montgomry of Skelmourly, £1000, to enter Allaster M°Allaster, Edinburgh, 16th October.

Robert Montgomry. son of the late Charlis McAllaster, sometime tutor of Loup, before either the Justice or the Privy Council on 10th November next, in case it be found that he ought to do the same; also, to pay within 40 days hereof to the Treasurer £100 for his escheat or else obtain nullity of the horning used against him for not delivering the said Allaster to Johnne, Marquis of Hammiltoun, conform to the charge executed against the said Robert. The band, registered by Mr. Umphra Bleinscheillis, advocate, and written by Johnne Neilsoun, is subscribed at Edinburgh, 21st September, before Alexander Dunlop, bailie of Irvine, Johne Dunlop, his son, William Montgomry, writer, and said Neilsoun. Acta Caut. 1600–1601. Fol. 365, a.

Sir James Scott. James Scot of Abbattishall for Sir James Scot of Baluery, 3000 merks, not to harm Patrik Pitcairne of Pitlour,—Mr. Patrik Murray, advocate, registering the band, subscribed at the Linkis of Abbattishall, 10th October, before James Kinloch, bailie of the said Linkis, William Scot, burgess of Kirkcaldy, Henry Young, notary, writer hereof, and Patrik Prestoun, "my servand." Fol. 365, b.

Brechin, 16th October. Mr. James Dunbar of Sanquhar. Nicolas Dumbar of Boigis for Mr. James Dumbar of Sanquhar, 2000 merks, not to harm William Ros of Kilraok, Hucheoun Ros, his son and apparent heir, David Ros of Holme, Johnne Ros in Cantray, Waltir Ros of Mikle Geddes, Johne Ros and William Ros, his sons. The band, registered by Mr. Thomas Nicolsoun, advocate, is subscribed at Forres, 5th June 1600, before Mark Mawir, commissary of Murray, Allane Levinstoun, and James Dumbar, apparent of Boigis, writer hereof. Acta Caut. 1601–1605. Fol. 1, a.

Nicolas Dunbar of Boigs. James Dumbar of Sanquhar for Nicolas Dumbar of Boigis, 2000 merks, to the effect abovewritten. The band registered, dated and witnessed as above. Fol. 1, b.

Dunbar of Cumnock. Alexander Dumbar of Tarbett for Alexander Dumbar of Cumnok, 2000 merks, also to the same effect.

[The connection broken.]

John Dunbar, burgess of Forres. . . . Johnne Dumbar, burgess of Forres, son of the late David Dumbar, burgess sometime there, as principal, and Johnne Dumbar, *alias* Burgie, burgess of Forres, 500 merks, not to harm . . . , conform to the letters dated at Edinburgh 18th August 1601. The band, registered by Mr. Thomas Nicolsoun, advocate, is subscribed at Forres, 12th October 1601, before James Dumbar, son of Alexander Dumbar of Thornehill, James Urquhart of Drumrioche, and Thomas Dumbar, son of Johnne Dumbar, burgess of Forres, writer of the body of this obligation,—Nicoll Duff and William Forsyth, notaries, subscribing for the said principal and surety.

Robert Dunbar in Easter Alves. Alexander Dumbar, son of Robert Dumbar in Easter Alves, for his said father, 500 merks, not to harm William Ros of Kilraok, Hucheoun Ros, his son and apparent heir, Johne Ros, provost of Narne, Patrik Ros, his son, Johnne Ros in Rymoir (of Raakmont), son of Thomas Ros of Dalcalie, conform to the letters dated at Edinburgh 18th August 1601. The band, registered by Mr. Thomas Nicolsoun, advocate, is subscribed at Forres, 12th October, before Arthour Mewren, Alexander Duff, Fol. 2, b.

CROYDON PUBLIC LIBRARIES

Acta Caut. 1601–1605.

William Dagleische, burgesses of Forres, and Androw Simsoun,—William Forsyth, notary public, subscribing for the surety.

Fol. 3, a. Mr. John Stratton, minister at Forres.

Mr. Williame Dumbar, minister at Dyke, for Mr. Johnne Stratoun, minister at Forres, in 500 merks, to the effect foresaid. The band, registered and dated as above, is witnessed by Nicolas Dumbar of Boggis, Mr. James Dumbar of Sanquhar, and Nicoll Duff, notary public, writer hereof.

John Dunbar, *alias* Burgy, burgess of Forres.

Johnne Dumbar, burgess of Forres, son of the late David Dumbar, burgess there, for Johnne Dumbar *alias* Burgie, likewise burgess there,

Fol. 3, b. 500 merks, also to the effect abovewritten. The band, registered and dated as above, is witnessed by Mark Mawer of Styne, David Dumbar of Dalduik, and James Dumbar, son of Alexander Dumbar of Thornehill, —Nicoll Duff and William Forsyth, notaries, subscribing for the principal and surety.

Fol. 4, a. James Dunbar, son of the minister at Dyke.

Mark Dumbar of Durris for James Dumbar, son of William Dumbar, minister at Dyke, 500 merks, also to the effect foresaid. The band, registered and dated as above, is witnessed by the said minister, Johnne Dumbar, servitor to the said Mark,—Duff and Forsyth subscribing for the principal.

Fol. 4, b. William Dunbar, minister at Dyke.

Mr. Johnne Stratoun, minister at Forres, for William Dumbar, minister at Dyke, 1000 merks, also to the effect foresaid. The band, registered and dated as above, is witnessed by Mr. Johnne Stratoun, writer hereof, Nicoll Duff, notary public, Allane Levingstoun, and others divers.

Fol. 5, a. Charles Reid, burgess of Forres.

Alexander Dumbar of Cumnok, sheriff of Murray, for Charlis Reid, burgess of Forres, 500 merks, also to the effect foresaid. The band, registered and dated as above, is witnessed by Mr. James Dumbar of Sanquhar, James Dumbar, apparent of Boigis, and Johnne Dumbar, notary public, writer hereof.

Fol. 5, b. Thomas Urquhart of Burrisyards.

James Urquhart of Drumreache for Thomas Urquhart (M^{c}Urquhart) of Burrisyairdis, 2000 merks, also to the effect foresaid. The band, registered and dated as above, is witnessed by Nicolas Dumbar of Boggis, William Dumbar, son of the said Nicolas, Nicoll Duff, notary, William Forsyth, notary, and Waltir M^{c}Culloch, writer of this obligation.

Fol. 6, a. Alexander Dumbar of Tarbet.

Alexander Dumbar of Cumnok for Alexander Dumbar of Tarbet, 2000 merks, not to harm the Lairds of Kilraok, elder and younger, David Ros of Holme, Johnne Ros in Cantrey, Walter Ros in Mikle Geddes, Johnne Ros and William Ros, his sons. The band, presented for registration by Mr. Thomas Nicolsoun, is subscribed at Forres 1600 before Thomas Urquhart of Burrisyairdis, James Dumbar, apparent of Boggis, Allane Levingstoun, and James Dumbar, servitor to the principal and writer hereof.

Brechin, 17th October. Lord Spynie and others.

Alexander, Lord of Spynie, as principal, and Sir Waltir Lindsay of Balgai, as surety, 5000 merks, Sir Johnne Lindsay of Wodheid, as princi-

Fol. 6, b. pal, and Alexander, Bishop of Breichin, as surety, 5000 merks, William Rynd of Kers, as principal, and Gairdin, apparent of Leyis, as surety, 5000 merks,—to appear before the King and Council at Brechin

upon 24th instant for such things as his Majesty shall acquaint them with at their coming. Also, Johnne Levingtsoun of Dunypace for Sir David Lindsay of Edzell, upon the said conditions and under the same pain. Acta Caut. 1600-1601.

Edinburgh, 21st October. George Dunbar and others.

George Dumbar of Auchinlisk for Mr. James Dumbar of Newtoun of Kinlos, £1000, and for James Dumbar in Easter Alves, 500 merks, and the said Mr. James for the said George, 3000 merks, not to harm Williame Ros of Kilraak, Hucheoun Ros, his son and apparent heir, Johnne Ros, provost of Nairne, Patrik Ros, his son, or Johnne Ros in Rymoir, son of Thomas Ros of Dalthulie (Daltulie). The band, registered by Mr. Thomas Craig, advocate, is subscribed at Wester Alves, 11th October, before Mr. James Dundas, chantor of Murray, Alexander Spens, reader at Alues, and Alexander Tulloch, burgess of Nairne. Fol. 363, b. Fol. 366, a.

Edinburgh, 22nd October. John Leslie.

Normound Leslie of Laichmure for Johne Leslie of Wardes, £2000, not to harm David Meinzeis, Alexander Andersoun, James Menzeis, Androw Knollis, Alexander Forbes, Mr. Duncane Forbes, and Thomas Forbes, burgesses of Abirdene. The band, registered by Mr. Laurence M^{c}Gill, advocate, and written by Walter Innes, notary public, is subscribed at Wardes, 17th October, before Johne Leslie of Barger, George Dempster, Alexander Leslie, servant to the principal, and the said writer hereof. Fol. 366, b.

Brechin, 24th October. Lord Spynie and others.

David Lindsay of Vayne for Alexander, Lord of Spynie, Guthrie of Kincaldrum for Sir Johnne Lindsay of Wodheid and William Rynd of Kers, and the said Rynd for Johnne Rynd, his son and apparent heir, 5000 merks each, to appear before the King and Council at Dundee upon 28th instant. J. Prymrois testifies that they appeared at Dundee upon the said day. Acta Caut. 1601-1605. Fol. 6, b.

Rossy of that Ilk.

Sir James Creichtoun of Ruthvenis, James Meluill of Dysert, and Mr. Alexander Keyth of Over Dysert, for Rossy of that Ilk, £1000, to the effect foresaid. Deleted by a warrant subscribed by his Majesty and his Treasurer, of date 19th November 1601: J. Prymrois.

Dundee, 28th October. Rossy of that Ilk.

Sir James Creichtoun of Ruthvenis, Patrik Rossy, fiar of that Ilk, Mr. Alexander Keyth in Over Dysert, and James Melvill of Dysert, for David Rossy of that Ilk, either to satisfy the Treasurer for his escheat and liferent by 12th November next, or else by that day to enter in ward in Edinburgh Castle, under pain of 3000 merks. Deleted by a warrant subscribed and dated as above at Haliruidhous.

John Jenkin.

Sir Johnne Lindsay of Wodheid for Johnne Jonkene, his man, 500 merks, to answer upon 21st January next to such things as shall be laid to his charge. Fol. 7, a.

Rhind of Kerse and son.

Guthrie of Kincaldrum for William Rynd of Kers, and Johnne Rynd, his son, 5000 merks, to subscribe such form of submission as shall be presented to them anent the feud between them, on the one part, and James, Master of Ogilvy, and Sir Johnne Ogilvy of Craig, on the other part.

Edinburgh, 28th October. John Dempster.

Andro Auchinmutie, burgess of Edinburgh, for Mr. Johnne Dempster, advocate, £1000, not to reset or intercommune with Johne Gordoun of Auchannachie, younger, James Dempster in Craigmiddertie, Alexander Acta Caut. 1600 1601. Fol. 367, a.

Dempster at the kirk of Ruthvenis, George Gordoun in Dreidheidis, James Gordoun at the mill of Ruthvene, Thomas Baillie, son of Walter Baillie in Hauchis, and Johne Barroun in Pittindrech, alleged to have been put to the horn at the instance of Johne Leslie of Balquhen, and Mr. William Leslie of Civilly, his brother, for not finding caution for their compearance to underlie the law for art and part of the slaughter of Gilbert Leslie.

David Lindsay, younger of Waine, for Sir Walter Lindsay of Balgai, £2000, to produce before the King and his Treasurer by 8th December next relaxations of all the hornings under which he lies, and to satisfy the Treasurer for his escheat fallen in his Majesty's hands by the said hornings, or else upon that day to enter in ward in Edinburgh.—This act deleted, with consent of the Treasurer, who, in presence of the Council, declared the same had been satisfied in all points: J. Prymrois. Dundee, 29th October. Lindsay of Balgay.

Patrik Pray of Innergoury for Adame Halden in Drumkillo, 500 merks, to answer upon 17th November next touching the reset of the Master of Oliphant. Adam Halden.

Hew Hering of Pittindreich for Thomas Andirsoun at the kirk of Lundye, 500 merks, to the effect foresaid. Thomas Anderson.

Walter Wode of Balbegino (Fettercerin) for Williame Wode, his brother, 10,000 merks, to enter in ward in Edinburgh Castle upon 12th November next, and remain there till freed. William Wood.

James Hendersoun, chirurgeon, burgess of Edinburgh, for Sir George Ramsay of Dalhoussie, to appear before the presbytery of Chirnesyd and underlie their censure for the slander committed by him in taking and pursuing Daniell Ramsay within the kirkyard of Fouldoun upon Sunday, the day of , in case it be found that he ought to do so. Edinburgh, 30th October. Sir George Ramsay.

Sir Andro Murray of Balwaird for Sir Johnne Murray of Tullibardin, 3000 merks, for William Murray, his son and apparent heir, 2000 merks, and for Alexander and Arthour Fultouns in Tullibardin, Johnne Bell, Robert Bell, his son, there, George Hall there, Johnne Foultoun in Middlelyne, Dewin Hald there, Thomas Bonkeill there, Johnne Bell, officer there, Bell his son, David Litlejohnne there, Johnne Gentilman there, Gairdner there, and Johnne Reburne, maltman there, 500 merks each, not to harm Robert Grahame of Panhoillis, or Elizabeth Drummond, his mother. Falkland, 31st October. Murray of Tullibardine and others.

Alexander Menzeis of that Ilk and William Stewart of Kynnaird for Johnne, Earl of Athoill, 3000 merks, to obtain himself relaxed by Whitsunday next from all the hornings under which he presently lies, or else by that term to enter in ward in Edinburgh Castle. Falkland, 2nd November. Earl of Athole.

James Home of the Newtoun of Quhitstoun for Hew Nisbit in Roishill, £500, not to harm Williame Jaffray in Ramrig. Edinburgh, 2nd November. Hew Nisbet.

James Seytoun of Tullibody for David Jamesoun in the Wodheid and Robert Galluay in Tullibody, 300 merks each, not to harm Sir Patrik Crechtoun of Strathurde. Edinburgh, 3rd November. David Jamieson and Robert Galloway.

Thomas Crawmound of Hoilmylne for Margaret Crawmound, relict of

Edinburgh, 7th November. Margaret Cramond.

Captain Alexander Ramsay, citizen of Brechene, 500 merks, not to harm Williame Fullartoun of Crago, and Nicoll Myllar and James Greif, his servants. The band, registered by Mr. Johnne Dempster, advocate, is subscribed at Brechene, 3rd November, before Thomas Winzetis in Dubtoun, Alexander Ramsay in Glenasfok, William Ramsay, writer hereof. Acta Caut. 1600–1601. Fol. 368, b.

Edinburgh, 11th Nov. Nicolas Ross.

Hectour Monro, apparent of Assint, for Nicolas Ros, brother of George Ros of Balnagown, £1000, not to harm William M°Culloch, servitor to Johne, Master of Orknay.

James Henderson and others.

Johnne Hendersoun, baxter, burgess of Edinburgh, for James Hendersoun, parson of and indweller in Libertoun, Johnne and Andro Hendersounis, his sons, and the said Johnne, son of the said James, for Symound Hendersoun, also son of the said James, not to harm William Quhyte, flesher, burgess of Edinburgh, under the pains following: the said James and his sons, Johnne and Symound, £500 each, and Andro, 400 merks. Fol. 369, a.

Adam Currie and others.

Eduard Meikiljohne, merchant, burgess of Edinburgh, for Adame Currie, fermorer in Crummy, £500, and for Andro and George Curreis, his sons, Johne Curry in Crummy, Patrik and George Crummeis, his sons, 300 merks each, not to harm Henrie Creich in Torryburne.

Edinburgh, 12th Nov. Hew and Alexander Kennedy.

Gilbert Kennedy of Bargeny for Hew Kennedy of Bennan and Alexander Kennedy, son of Hew Kennedy in Craigneill, not to harm Johnne Grahame of Knokdoliane, or Robert Grahame, son of David Grahame of Craig, under the pains in the King's letters. The band, registered by Mr. Alexander Cuming, advocate, and written by Alexander Kennedy, is subscribed at Bargeny, 9th November, before Thomas Kennedy, brother of the Laird of Bargeny, Fergus Kennedy of Knoklaw, and Hectour Kennedy of Bennan. Fol. 369, b. Fol. 370, a.

Gilbert Kennedy and others.

Hew Kennedy of Bennan for Gilbert Kennedy of Bargeny, Thomas Kennedy of Drumorchie, his brother, Johnne Mure of Auchindraine, Thomas Kennedy of Kirkhill, and Thomas Kennedy of Ardmyllane, not to harm Johnne Grahame of Knokdoliane, under the pains in the King's letters. Mr. Johnne Russell, advocate, registers the band, written by Robert Fortoun, servitor to George Mak, writer, and subscribed at Bargeny, 9th November, before Thomas Kennedy of Drummorchie, Hectour Kennedy of Bennan, and Alexander Kennedy, servitor to the Laird of Bargeny. Fol. 370, b.

Edinburgh, 13th Nov. Alexander Stewart.

Robert Douglas of Wellis for Alexander Stewart, son of James Stewart of Allanetoun, 500 merks, to answer upon 8th December next to a complaint made against him by Mr. Alexander Lokhart, the said Laird of Allanetoun becoming surety in relief. Fol. 369, a. Fol. 369, b.

Edinburgh, 14th Nov. Robert Futhie and others.

Andro Murray of Wyndmylnehill for Robert Futhie of Foddismylne, and both for Andro Turnebull in Bromehall, £500 each, and for James Currie in Crummy and Williame Stevinsoun there, 300 merks each, not to harm Henrie Creich in Torryburne.

Edinburgh, 17th Nov.

Alexander Innes of Cokstoun for Walter Kinaird of Coubin, £1000, not to harm Mark Dumbar of Durris. Band, presented for registration by Acta Caut. 1601–1605. Fol. 8, a.

.cta Caut. 501–1605.

Mr. Thomas Mawer, advocate, is subscribed at Elgyne, 4th November, before James Kinaird, son of the said Walter, and writer hereof, Thomas Gordoun, notary public, and Mr. Johne Innes of Hattone. Walter Kinnaird.

cta Caut. 500–1601. ol. 370, b.

Johnne Dobie, flesher, burgess of Edinburgh, and Richard Hardie, smith, burgess there, for William Quhyt, flesher, burgess there, 500 merks, not to harm James Hendersoun, parson of and indweller in Libertoun, Johnne Hendersoun, his son and apparent heir, Symond and Andro Hendersonis, his sons. Edinburgh, 19th Nov. William White.

ol. 371, a.

Archibald Layng and Johne Peiblis, merchants, burgesses of Edinburgh, for Gilbert Loutheane, merchant, burgess there, to answer before the Secret Council upon 24th instant to a claim given in against him by Henry Albert, Dutchman, under pain of payment of the whole sum claimed. Gilbert Lothian.

Johnne Hammiltoun of Blair for Robert Grahame of Panhollis, £1000, Elizabeth Drummond, his mother, 1000 merks, Patrik Drummond in Panhollis, Donald Adie, younger, there, Donald Adie, elder, there, Johnne Guild at the mill of Panhollis, Williame Burdoun, servitor to the said Elizabeth, Walter Scheoch in Little Panholl, Andro Gallua in Raballoch, Nicoll Toward in Blakfurd, Johnne Halden in Corsbrek, Johnne Adie in the Rynd, Johnne Andersoun there, 300 merks each, not to harm Sir Johnne Murray of Tullibardin. Robert Graham and others.

ol. 371, b.

Patrik M^cKie of Baryerrag, as principal, and Duncane M^cKie of Palgowne, as surety, 500 merks, not to reset or intercommune with Sir Robert Gordoun of Glen, William Erskene, his servant, Johne Gordoun of Murefad, William and Robert Gordonis, his brothers, Johne Glendoning, younger of Drumrasch, William Gordoun, brother-son of the Laird of Lochinvar, Thomas and Alexander Creichtonis, servants to Johne Gordoun of Murefad, James Blak and William M^cNeillie, also his servants, Robert Erskene in Murefad, Alexander Gordoun of Hillis, Patrik Gordoun in Wigtoun, Robert Gordoun of Barnerine, Alexander Gordoun, brother of William Gordoun of Crachlaw, and Roger Gordoun in Glasnik, while they lie at the horn for not finding caution to appear before the Justice to underlie the laws for the slaughter of George Stewart and taking as prisoner Thomas M^cCulloch, his servant. Edinburgh, 20th Nov. Patrick Mackie.

ol. 372, a.

Andro Edmestoun of that Ilk, as principal, and Robert Ramsay of Wyliecleuch, as surety, £1000, to the effect foresaid. Andrew Edmiston.

Robert Sempell of Fulwod for James Sempell of Candrane, not to harm Niniane Ramsay, messenger, or James Elphingstoun, brother of the Laird of Henderstoun, under the pains contained in the King's letters. Edinburgh, 23rd Nov. James Sempill.

cta Caut. 01–1605. ol. 8, b.

Sir Johne Gordoun of Lochinvar, as principal, and Alexander Gordoun of Barskeoch as surety, 3000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen, Williame Erskene, his servant, Johne Gordoun of Murefad, William and Robert Gordonis, his brothers, Johne Glendoning, younger of Drumrash, William Gordoun, brother-son of the Laird of Lochinvar, Thomas and Alexander Crychtonis, servants to Johne Gordoun of Murefade, William M^cNeillie and James Blak, also his Gordon of Lochinvar.

servants, Robert Erskene in Murefad, Alexander Gordoun of Hillis, Patrik Gordoun in Wigtoun, Robert Gordoun of Barnerine, Alexander Gordoun, brother of William Gordoun of Crachlaw, and Robert (? Roger) Gordoun in Glasnik, while they lie at the process of horn executed against them for the slaughter of George Stewart, brother of Mathew Stewart of Dunduff, and taking and detaining as prisoner Thomas M°Culloch, his servant. Acta Caut. 1601–1605.

Gordon of Barskeoch. Alexander Gordoun of Barskeoche, as principal, and Sir Johne Gordoun of Lochinvar, as surety, 1000 merks, to the effect abovewritten. Fol. 9, a.

John Fullarton and John Gordon. Johnne Foullartoun of Carltoun, as principal, and Johne Gordoun, younger of Airdis, as surety, 1000 merks, and the said Johnne Gordoun, as principal, and Johnne Foullartoun, as surety, 500 merks, also to the effect abovewritten. Fol. 9, b.

Robert Sempill and James Sempill. Robert Sempill of Fulwod, as principal, and Johnne Sempill of Corruith, as surety, and the said Robert for James Sempill in Walkinshaw, not to harm James Huntar, son of the late Alexander Huntar, burgess of Culros, under the pains in the letters directed thereanent.

Edinburgh, 24th Nov. David Pringle and others. David Pringle in Bardarrach, as principal, and Andro Levenax of Plumptoun, as surety, *et vice versa*, and Alexander Gordoun of Knokbrukis, as principal, and Andro Arnot of Barcaple, as surety, *et vice versa*, 500 merks each, not to reset or intercommune with Sir Robert Gordoun of Glen and his colleagues abovewritten (*ante* p. 707). Fol. 10, a.

George Lockhart of Bar. Thomas Stewart of Galstoun for George Lokhart of Bar, 3000 merks, not to harm Johnne Grahame of Knokdoliane, conform to the King's letters of date 22nd October. The band, presented for registration by Mr. Alexander King, advocate, is subscribed at Galstoun, 13th November, before Andro Chalmer, writer hereof, James Blak in Auldtoun, Erasmus Baillie, notary, and George Adame, son of Mathow Adame in Newbyre. Fol. 10, b.

Edinburgh, 25th Nov. William Mac-Lellan. Williame M°Clelane of Auchlane, tutor of Bomby, as principal, and Johnne Broun, apparent of Land, as surety, £1000, not to reset or intercommune with Sir Robert Gordoun of Glen and his colleagues abovewritten (*ante* p. 707), while they remain at the horn. Fol. 11, a.

George MacCulloch. George M°Culloch of Torhouse, as principal, and James M°Culloch of Drummurrell, as surety, 1000 merks, to the same effect.

Mr. Gilbert Gordon. Mr. Gilbert Gordoun of Schirmeris, as principal, and Williame M°Clellane of Auchlene, tutor of Bomby, as surety, 500 merks, also to the same effect. Fol. 11, b.

John Gordon. Johnne Gordoun of Cuill, as principal, and Johnne Gordoun of Clachane, as surety, 500 merks, also to the same effect. Fol. 12, a.

Alexander Crawford. Alexander Crawfurde of Kerse, as principal, and Alexander Craufurde of Keirhill, as surety, £1000, also to the same effect.

Edinburgh, 26th Nov. Alexander Rowan. Nicoll Rowane of Bandrum for Alexander Rowane, tailor, son of Nicoll Rowane in Sandiedub, not to harm Laurence Merser of Sawling, under the pains in the letters directed thereanent; also, not to harm James Stewart, apparent of Grange, under the pain of 500 merks. Fol. 12, b.

Edinburgh, 28th Nov. William Gordoun of Crachlaw, as principal, and Hew Gordoun of Fol. 13, a.

:ta Caut. 01–1605.

Grange, as surety, 1000 merks, *et vice versa*, 500 merks, not to reset or intercommune with Sir Robert Gordoun of Glen, and his colleagues foresaid, during their rebellion (*ante* p. 707). William Gordon and Hew Gordon.

Johnne Hepburne, skinner, burgess of Edinburgh, for Robert Hepburne of Aulderstoun, to pay to Fendare and Willie Mathesoun, her son, and to Thomas Fendare, "poist," indwellers in Edinburgh, the sum of £20 for the said mother's and son's expenses in ward during their imprisonment at the instance of the said Robert, in case it be found that he ought to do the same after the discussing of the reasons of a suspension raised thereanent. Robert Hepburne.

l. 13, b.

Johnne Kynneir of Botheris for Williame Fullartoun of Crago, £1000, for Robert Kynneir, vicar of Brichene, 1000 merks, for Johnne Ra there, 200 merks, and for Nicoll Myllar there and James Greiff there, 100 merks each, not to harm Margaret Crawmound, relict of Captain Alexander Ramsay, her men, tenants or servants, conform to the King's letters dated at Edinburgh, 7th instant. The band, presented for registration by Mr. Henry Balfour, advocate, is subscribed at Brechene, 25th November, before James Symmer, servitor to the said William Fullartoun, William

l. 14, a.

Johnestoun, servitor to the Commissary of Brechene, Adame Foullartoun, servitor also to the said William, Johnne Lyoun in Brechene, writer hereof,—John Ramsay and Robert Dempster, notaries, subscribing for Ra, Myllar, and Greif. William Fullarton and others.

Andro Auchinmutie, burgess of Edinburgh, for Mr. Johnne Dempster, advocate, £1000, not to reset or intercommune with Johnne Gordoun of Achannache, younger, James Dempster in Craigmidderty, Alexander Dempster at the kirk of Ruthvenis, George Gordoun in Dreidheid, James Gordoun at the mill of Ruthvene, Thomas Baillie, son of Walter Baillie in Hauchis, and Johnne Barroun in Pittindrich, put to the horn at the instance of Johnne Leslie of Balquhane and Mr. Williame Leslie of Civillie, his brother, for not finding sufficient caution for their compearance to underlie the law for art and part of the slaughter of Gilbert Leslie. Edinburgh, 1st Dec. Mr. John Dempster.

. 14, b.

Frances Irvine of Wodheid for Johnne Leslie, son of Robert Leslie, burgess of the Chanonry of Ros, not to harm Johnne Pullar, burgess of Perth, under the pains in the letters thereanent. Edinburgh, 3rd Dec. John Leslie.

Sir Walter Lyndsay of Balgai, and David Lyndsay, younger of Vaine, for Williame Wod, brother of Walter Wod of Balbegino, 3000 merks, to answer for all crimes that can be laid to his charge. Edinburgh, 4th Dec. William Wood.

. 15, a.

Sir Williame Menteith of Kers for Alexander Bruce, his servant, £1000, to answer before the King and Council upon 10th instant for the "combat and trouble" which fell out this day between him and Robert Hammiltoun of Inchemauchane; also, in the meantime not to invade any of the persons who were against him at the said combat. Edinburgh, 5th Dec. Alexander Bruce.

Williame Glen of Bar for James, Earl of Glencairne, 5000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices abovewritten (*ante*, p. 707) while they remain at the horn for Earl of Glencairn.

the slaughter of George Stewart. The band, registered by Mr. Thomas Craig, advocate, is subscribed at the Bar and Finlestoun, 2nd and December, before Hew Glen of Lintillis, and Robert Cunynghame, and Johnne Mathie, writer hereof, servitors to the said Earl. Acta Caut. 1601–1605.

Edinburgh, 12th Dec. Gordon of Lochinvar. John Strachan.

Alexander Gordoun of Barskeoche for Sir Johne Gordoun of Lochinvar, £1000, not to harm Johne Turner, messenger. Fol. 15, b.

Johnne Strauchane, son of the late Alexander Strauchane of Thornetonn, as principal, and Rodger Strauchane in Glethknow, as surety, 500 merks, to deliver the dwelling place of Thornetoun to Sir George Home of Spot, his Majesty's treasurer, or to any officer of arms, whenever he shall be required.

Edinburgh, 15th Dec. Walter Ker.

Walter Ker, portioner of Dirltoun, as principal, and George Seytoun of Northrig, as surety, 2000 merks, not to harm Hew Broun, merchant, burgess of Edinburgh.

Mr. James Dundas.

Alexander Gordoun of Oxhill for Mr. James Dundas, chantor of Murray, £1000, not to harm William Ros of Kilrawok, Hucheoun Ros, his son, Johnne Ros, provost of Narne, Patrik Ros, his son, or Johnne Ros in Rymoir. The band, presented for registration by Mr. Johnne Scharpe, advocate, is subscribed at Ranes, 9th October, before Mr. James Hay of Ranes, Robert Dumbar of Burgy, Johnne Dundas, servitor to the said Mr. James Dundas. Fol. 16, a.

Maxwell of Logan and son.

Johne Maxwell of Conhaith for Alexander Maxuell of Logane, £1000, and for Robert Maxuell, his son and apparent heir, 1000 merks, not to harm Robert Johnestoun of Raecleuch. The band, registered by Cornelius Tennent, advocate, is subscribed at Edinburgh, 15th December, before Archibald M^{c}Brair, burgess of Drumfreis, Johne Broun, burgess of Edinburgh, Johne Lanrig there, Johne Wrycht there, and Johne M^{c}Ghie, notary. Fol. 16, b.

Edinburgh, 17th Dec. Commendator of Glenluce.

Sir Johne Gordoun of Lochinvar for Lawrence, Commendator of Glenluce, 1000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices while they remain at the horn for the slaughter of George Stewart (*ante* p. 707).

Adair of Kinhilt.

Johnne M^{c}Dugall of Garthland for Niniane Adair of Kinhilt, not to reset or intercommune with Sir Robert Gordoun of Glen and his said accomplices during their rebellion, under the pains in the letters raised at the instance of Sir George Home of Spot, treasurer, Mathow Stewart of Dunduff, brother of the said George Stewart, and Alexander Stewart of Gairlies, master for the time to the said deceased George,—said letters dated at Halyrudhous 12th November 1601. The band, presented for registration by Mr. Robert Leirmounth, is subscribed at Stronrawer, 8th December, before Johne M^{c}Dowell of Logane, Williame Adair of Ganoch, Williame Weir in Edinburgh, Williame Gairdner, notary, writer hereof, and David Boyd in Corsan. Fol. 17, a. Fol. 17, b.

MacDougall of Garthland.

Niniane Adair of Kinhilt for Johnne M^{c}Dugall of Garthland, to the effect abovewritten. The band presented, dated, subscribed, and witnessed as above. Fol. 18, a.

Acta Caut. 1601–1605.

Patrik Home of Aytoun for George Douglas in Anerum, 1000 merks, to answer when required for the hornings under which he presently lies. Holyrood, 22nd Dec. George Douglas.

Williame Forbes, fiar of Monymusk, for James Gordoun, fiar of Newtoun, £2000, not to harm Williame Seytoun of Disblair. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Portlethin, 5th December, before George Ramsay, and Williame Gordoun, writer hereof. James Gordon of Newton.

Fol. 18, b.

Johnne Cunynghame of Cadell for James Cuninghame, fiar of Glengarnok, 3000 merks, not to harm George Cuninghame of Hag. Edinburgh, 25th Dec. Cunningham of Glengarnock.

Fol. 19, a.

David Lyndsay, fiar of Vaine, for Walter Wod of Fittercairne, 2000 merks, not to harm Walter Wod, burgess of Munros. Walter Wood.

Williame Maxvell in the Newtoun of Cairdines, as principal, and Sir Johnne Gordoun of Lochinvar, as surety, 500 merks, not to harm Daniell Hair, messenger. Edinburgh, 26th Dec. William Maxwell.

Fol. 19, b.

James Stewart of Allanetoun and James Dunlop of that Ilk for Alexander Stewart, son of the said James, £1000, to repair immediately within his lodging in Edinburgh on being freed of his present ward in the tolbooth, and to remain therein till his Highness declare his will towards him for the offence committed by him against Mr. Alexander Lokhart. Edinburgh, 28th Dec. Alexander Stewart.

Captain David Orrok, as principal, and "coronell" David Boyd, as surety, 500 merks, not to harm Williame M°Kartnay, clerk of the cocquet in Leith. Edinburgh, 29th Dec. Captain Orrock.

Fol. 20, a.

Gavin Dalzell, burgess of Perth, for Archibald Dalzell, son of Robert Dalzell, elder of that Ilk, 500 merks, to answer to a complaint made against him by James Brigtoun, miller at the mill of Sauchtounhall, when required, upon six days' warning; also, not to harm the said James, and to satisfy him for the offence already done to him, for which he is warded in the Castle of Edinburgh, at the sight of his Majesty and Council. Edinburgh, 31st Dec. Archibald Dalzell.

Patrik Scot in Leith for James Stewart, younger of Grainge, £500, not to harm Patrik Fentoun, elder, or Patrik Fentoun, younger, of Middle Grainge. Edinburgh, 1st Jan. 1602. James Stewart.

Fol. 20, b.

Robert Maistertoun, burgess of Culros, for Andro Stewart of Wester Grainge, and Andro Stewart, younger, his son, under the pains in the letters thereanent. The band, registered by Mr. Thomas Rollok, advocate, is subscribed at Culros, 30th December 1601, before Mr. Mathow Gaw, burgess there, James Huttoun, flesher there, and Robert Futhie of Foddismylne,—John Forret, notary, subscribing for said Andro Stewart, elder. Andrew Stewart and son.

Fol. 21, a.

William Cunynghame, merchant, burgess of Edinburgh, for Robert Cunynghame, servant to Harbert Cunynghame, clerk of Dumfreis, 500 merks, to remain in Edinburgh and the Cannogait till freed by his Majesty. Holyrood-house, 4th January. Robert Cunningham.

Alexander Hepburne, cordiner, burgess of Edinburgh, for Johne Frenche and Alexander Frenche, brothers of the Laird of Thornydykis, either in £100, to answer upon 2nd February next to a complaint made Edinburgh, 5th January. John and Alexander French.

against them by Mr. Williame Leslie of Civilly, for hurting him in the Cannogait with drawn swords. Acta Caut. 1601–1605.

Edinburgh, 6th January. Henry Horne and others.

Johnne Borthuik of Gordounshall for Henry Horne, Johne Horne, James Edie, Johnne and Thomas Balyeartis, and James Perssoun (Peirsoun), £500 each, not to harm Williame Smyth, burgess of Anstruther. Fol. 21, b. The band, presented for registration by Mr. Henry Balfour, advocate, is subscribed at Anstruther, 4th January, before Walter Borthuik, apparent of Grangemure, Walter Watsoun, servitor to the right honourable Sir Fol. 22, a. James Anstruther, fiar of that Ilk, Johnne Anstruther, elder, burgess of Anstruther, and Johnne Hugtoun, "my servitour,"—Johne Anstruther, younger, notary, being the writer of the body of the obligation.

Edinburgh, 7th January. Graham of Knockdolian.

Johnne Grahame of Knokdoleane, as principal, and Robert Grahame of Deiscraig, as surety, 3000 merks, not to harm Alexander Kennedy of Craigneill.

Edinburgh, 8th January. Patrick Fenton and sons.

Johne Blacader of Inzefar for Patrik Fentoun, elder of Middlegrange, and Patrik Fentoun, younger, either in £500, and for Johne Fentoun, his son, 300 merks, not to harm Andro Stewart of Wester Grange, James Stewart, fiar thereof, and Andro Stewart, son of the said Andro. Fol. 22, b.

Adam Walker and certain other burgesses of Dumfries.

Edward Edzer, merchant, burgess of Edinburgh, for Adame Walker in Drumfreis; David Johnnestoun, merchant, burgess of said burgh, for Cuthbert Broun, burgess of Drumfreis; Robert Cunninghame, merchant, burgess of Edinburgh, for Johnne Maxvell, burgess of Drumfreis; Williame Cranstoun, saddler, burgess of Edinburgh, for Eduard Horner, saddler, burgess of Drumfreis,—500 merks each, to keep ward in the burgh of Edinburgh and the Cannongait, on being freed furth of the tolbooth of the Cannongait, where they are presently warded, and in the meantime to be ready whenever required to be re-examined touching their hearing and saying of mass and reset of certain rebels and excommunicated persons.

Lord Herries.

Williame, Lord Herreis, as principal, and Williame Greir of Lag and Fol. 23, a. Williame Gordoun of Creichlaw, as sureties, 10,000 merks, to repair to his lodging in the burgh of Edinburgh immediately on being released out of his present ward in Edinburgh Castle, and to remain in his lodging till freed by his Majesty.

Edinburgh, 9th January. John Mure and other burgesses of Irvine.

Sir Neill Montgomery of Langshaw for Johnne Mure, skipper, Johnne Howmill, Mathow Hummill, Duncane M^{c}Ilmertene, Alexander Loury, Johnne Mortoun, and Thomas Huchesoun, burgesses of Irvine, 500 merks each, to answer before the King and Council upon 28th instant for their trafficking with the Queen of England's rebels in Ireland and for furnishing them with powder, bullet, and other necessaries, contrary to his Majesty's proclamations.

Henry Sinclair of Whitekirk.

Robert Hepburne of Aulderstoun and Olipher Sinkler of Ravinisnuke Fol. 23, b. for Henry Sinkler of Quhytkirk, 1000 merks, to answer before the King and Council upon 28th instant to a complaint made against him by his Majesty's advocate, and by the late George Carkettle, Margaret Carkettle, his daughter, and Mauchane, her mother, touching the ravishing of the said Margaret.

Acta Caut. 1601-1605.

Alexander M^cNaucht, merchant, burgess of Edinburgh, for Homer Maxwell, commissary of Drumfreis; Edward Edzair, merchant, burgess of the said burgh, for Johne Corsane, bailie of Drumfreis, and Adame Corsane, his brother; William Cunynghame, burgess of Edinburgh, for Cuthbert Cunynghame, bailie of Drumfreis; George Cunynghame, merchant, burgess of Edinburgh, for Petir Turnour, servant to the Lord Hereis,—1000 merks each, to keep ward in the burgh of Edinburgh and the Cannogait till relieved by the King and Council. Edinburgh, 11th January. Homer Maxwell and others of Dumfries.

Johnne Dumbar of Moynes, as principal, and Alexander Dumbar of Cumnok, sheriff of Murray, as surety, 3000 merks, not to harm Williame Ros of Kilraak, Hucheoun Ros, his son and apparent heir, Johnne Ros, provost of Nairne, Patrik Ros, his son, or Johnne Ros in Remore, son of Thomas Ros in Daltolie. Dunbar of Moynes.

Fol. 24, a.

Mr. Williame Ruthven of Freland, as principal, and Aulay M^cAwlay, of Ardincapill, as surety, £1000, not to harm Nathaniell Moncreif in Cloak. Edinburgh, 12th January. Mr. William Ruthven.

Fol. 24, b.

Mr. George Erskyne for Robert Campbell, son of Donald Campbell of Dronzie, and Robert Campbell, brother-son of the said Donald, either in £500, to answer before the King and Council upon 4th February next to a complaint made against them by Ludovik, Duke of Lennox,—the said Donald, and Johnne Campbell, his son and apparent heir, becoming sureties in relief. Edinburgh, 13th January. Robert and Robert Campbell.

George Cuninghame of Hag, as principal, and Hew Crawfurd of Knytiswod, as surety, £1000, not to harm James Cuninghame, fiar of Glengarnok. Cunningham of Hag.

Fol. 25, a.

Sir Neill Montgomery of Langshaw, and Neill Montgomery, apparent of Langshaw, his son, as principals, and Robert Hammiltoun of Cathkin, as surety, £1000 each, and the said principals and surety for Robert Steill in Bagray, William Dickie there, Johnne Airmour in Gilmylne, Hew Calderwode in Milstounflat, Johnne Montgomerie, called "Ladyes Johnnesone," at the kirk of Stewartoun, and Edward Smyth in Mylnestounflat, 500 merks each, not to harm Johnne Cuming in Bagray, Alexander Cuming, his son, Robert Cuming in Bagray, and Robert Cuming, younger, son of the said Robert. Sir Neil Montgomery and others.

Fol. 25, b.

Aulaw M^cAwlaw of Ardincaple for Andro Drumond, chamberlain of Methven, Lawrence Stewart in Pittincrufie, William Quhyttok in , David and George Quhytokis, his sons, 500 merks each, not to harm Nathaniell Moncreif in Clook,—Johnne Bell, writer in Edinburgh, becoming surety in relief for the Laird of Ardincaple. Edinburgh, 14th January. Andrew Drummond and others.

David Johnnstoun, merchant, burgess of Edinburgh, for Cuthbert Broun, burgess of Drumfreis, 500 merks, to answer before the King and Council when charged touching his knowledge of the saying and hearing of mass, and reset of jesuits, seminary priests, and excommunicated papists. Cuthbert Brown.

Adame Cranstoun, saddler, burgess of Edinburgh, for Edward Horner, burgess of Drumfreis, 500 merks, to the effect abovewritten. Edward Horner.

Fol. 26, a.

Hew Gordoun of Grainge for Sir Robert Gordoun of Glen, £1000, to Gordon of Glen.

render to the King's treasurer the fortalice of Glasnik when required to do so. Acta Caut. 1601-1605.

Allaster Munro. Alexander Stewart, merchant, burgess of Edinburgh, for Allaster Munro in Edinburgh, £100, not to harm Donald Munro, portioner of Culcragy.

Simon MacCristie. Williame Houstoun of Cotreoche for Symonth M°Cryistie of Monkhill, 1000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices (except Johnne Glendoning and William Gordoun, nephew of Lochinvar,) during their rebellion (*ante* p. 707), conform to the charge given at the instance of Sir George Home of Spot, treasurer, Mathow Stewart of Dunduff, and Alexander Stewart of Gairleis. The band, registered by Mr. Robert Lyntoun, advocate, is subscribed at Wigtoun, 19th December, before James Stewart, father-brother of the said Laird of Gairleis, Johne M°Cryistane, apparent of Monkhill, Johnne Ahannay, merchant, burgess of Wigtoun, and Johne Dumbar, writer hereof, and servitor to Michaell Cochrane, sheriff clerk of Wigtoun. Fol. 26, b. Fol. 27, a.

Edinburgh, 16th January. Mark, Hector, and James Turnbull. Johnne Haitlie of Mellarstanes, and James Home of Framepeth, brother of the Goodman of Houtounhall, for Mark, Hectour, and James Trumblis, presently in ward in the tolbooth of Edinburgh, 2000 merks, to keep ward in the burgh of Edinburgh till freed by the King and Council, —Johnne Home of Huttounhall and Thomas Trumble, apparent of Mynto, becoming sureties in relief.

Edinburgh, 18th January. Pitscottie of Luncarty. Mr. Robert Ros of Craigie for Johnne Pitscottie of Loncardy, 1000 merks, not to harm Williame Young, sometime parson and minister at Loncardy and now minister at Ragortoun. The band, registered by Mr. Alexander King, advocate, is subscribed at Perth, 1st January 1602, before Gilbert Stratoun, merchant, Thomas Nicoll, writer of the body hereof, notary in Perth, James Tyrie, writer there, writer of the date and names of witnesses, and George Mathow, messenger, executioner of the said letters. Fol. 27, b.

Edinburgh, 19th January. Adam Walker and Robert Kay. Robert Cuninghame, merchant, burgess of Edinburgh, for Adame Walker, burgess of Drumfreis, 500 merks, and Johnne Merschell, burgess of Drumfreis, for Robert Kae, burgess of Drumfreis, £40, to answer before the King and Council when required touching their knowledge of the saying and hearing of mass and reset of jesuits. Fol. 28,

Robert Cunningham. Williame Cunynghame, merchant, burgess of Edinburgh, for Robert Cunynghame, writer, burgess of Drumfreis, 500 merks, to the same effect. Fol. 28, b.

Edinburgh, 21st January. John Meldrum. Johnne Seytoun, chamberlain of Fyvie, for Johnne Meldrum, messenger, £40, to answer upon 9th March next to a complaint made against him by Williame Cruikshank of Tullimorgoun.

Edinburgh, 29th January. John Mure and others of Irvine. Williame Cunynghame, merchant, burgess of Edinburgh, for Johnne Mure, Duncane M°Ilmertene, Johnne Howmill, Johnne Mortoun, Mathow Howmill, and Thomas Huchesoun, burgesses of Irvine, £20 each, to keep ward in the burgh of Edinburgh and the Cannongait till relieved by his Majesty.

Inhabitants of Leith. Johnne Vaus, portioner of Brochtoun, Mr. Archibald Wilkie, bailie of the Cannogait, Johne Bannatyne and Patrik Scot, indwellers in Leith, for Fol. 29, a.

Acta Caut. 1601–1605.

the inhabitants of the north and south sides of the town of Leith, within the regality of Brochtoun, to repair within fifteen days hereof the bridge of Leith in timber work, making the same sufficient for transporting men, horses and loads, and, within three years thereafter, to build the said bridge substantially in stone work, and to uphold the same in all time coming, bestowing the whole duty granted to them by Act of Council upon the repairing, building and upholding of the said bridge.

Edinburgh, 1st February. Men of Irvine again.

Johnne Mure, skipper, burgess of Irvine, for Johnne Hommill and the rest of his colleagues abovewritten (*ante*, p. 714), £40 each, not to export powder, bullet, or any other provision to the Queen of England's rebels in Ireland, or traffic with them at any time hereafter.. In respect of the present act the caution found by the said persons on 29th January last is

Fol. 29, b.

discharged. The said Johnne Mure, as principal, and Johnne Mortoun, burgess of Irvine, as surety, £40, to the same effect. Matthow Hummill, burgess of Irvine, for Alexander Loury, also burgess there, £40, likewise to the same effect.

Edinburgh, 3rd February. John Campbell and others.

Mr. George Erskyne for Johnne and Robert Campbellis, sons of Donald Campbell of Dronzie, and Robert Campbell, servitor to the said Johnne, to answer before the King and Council upon 4th instant to a complaint made against them by Ludovik, Duke of Lennox, each under the pain of

Fol. 30, a.

£500; also, each of them to pay £10 for his escheat to the Treasurer within 40 days hereof, or else to report a decree of the nullity of the horning against them, or at least a declarator of their diligence, under the clerk of register's handwriting.

Edinburgh, 4th February. Cheyne of Pennan.

Johne Levingstoun of Donypace, Williame Menteith, younger of Kers, Sir Alexander Drummond of Carnok, Williame Congiltoun of that Ilk, and Robert Home, younger of Heuch, for James Cheyne of Pennan, 10,000 merks, on being relieved furth of his present ward in the tolbooth of Edinburgh, to remain in Edinburgh till freed by his Majesty. The band, registered by Mr. Robert Mar, advocate, is subscribed at Haliruidhous, 3rd February, before George Murray, servitor to his Majesty, Mr. Alexander Forbes, parson of Fettircairne, Harie Drummond, servitor to the Laird of Carnok, Patrik Congiltoun, servitor to the Laird of Congiltoun, and Mr. Alexander Chayne, brother of the said James Cheyne,—the writer of the obligation being Eduard Meikiljohne, servitor to James Prymrois, Clerk of Secret Council.

Fol. 30, b.

Murray of Broughton.

George Murray of Brochtoun, as principal and Uthreid M^{c}Dowell of Mundork, as surety, 1000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices (William Gordoun, Lochinvar's nephew, excepted) during their rebellion and disobedience (*ante* p. 707).

Edinburgh, 5th February. Laird of Weem.

Alexander Meinzeis of that Ilk, as principal, and Alexander Forrester of Coigis, as surety, 1000 merks, to enter in ward in the Castle of Blaknes and deliver his dwelling place to the executioner of the letters of treason executed at the instance of the Treasurer, and of Williame Tailyeour, burgess of the Cannongait, and to remain in the said Castle till he has obeyed the

command of the said letters, in case it be found that he ought to do the same after the hearing and discussion of the reasons of suspension raised by him. Acta Caut. 1601–1605. Fol. 31, a.

Edinburgh, 8th February. James Balfour.

Williame Leirmounth, apparent of Dairsie, for James Balfour, fiar of Pitculloch, 300 merks, to answer upon the first Council day after he return within this realm to a complaint made against him by James Melving in Ardet, and Andro Mailling, his son.

Lord Loudoun.

David Campbell of Overtoun for Hew, Lord of Lowdoun, 4000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices (Lochinvar's nephew again excepted) during the time of their rebellion (*ante*, p. 707). Fol. 31, b.

Edinburgh, 9th February. John Corsan and Cuthbert Cunningham.

Johne Corsane and Cuthbert Cunynghame, bailies of Dumfreis, as principals, and James Lindsay, apparent of Fairgirth, and Homer Maxuell, commissary of Dumfreis, as sureties, each of them in £500,—(1) to behave themselves dutifully and loyally in all time coming; (2) to conform themselves to the "ordinar discipline and exercise of the Kirk," to resort to the "preiching and sacramentis," and not to be "upoun the knawlege or counsale of the saying of messis within the burgh of Dumfreis, nor na pairt thairabout, nor upoun na counsale nor platt aganis the trew religioun presentlie professit within this realme," but to reveal the same to his Majesty or some of his Council or to the ministers; (3) to search for Mr. Gilbert Broun, sometime abbot of Newabbay, Mr. Johne Hamiltoun, Mr. Gilbert M°Quhirrie, and all other jesuits, seminary priests, and known trafficking papists, who shall resort to the burgh of Dumfreis, and to apprehend them and commit them to ward till his Majesty's will towards them be known; (4) to take all such inhabitants of the said burgh as are denounced for not appearing to bear witness anent the matter of the mass, wherever apprehended, and to commit them to ward, detaining them there till his Majesty's coming to that country or till he declare his will towards them; (5) to defend their pastor in the peaceable possession of his glebe and to withstand all violence offered to him while he holds office within the said burgh; (6) to answer before the King and Council when required for their diligence done in the premises. In respect of this caution, the act obliging them to remain in the burgh of Edinburgh is discharged. Fol. 32, a.

Homer Maxwell.

Homer Maxuell, commissary of Drumfreis, as principal, and James Lindsay of Fairgirth, and Cuthbert Cunynghame, bailie of Dumfreis, as sureties, £500, to the effect foresaid,—no mention, however, being made of Broun, Hammiltoun, or M°Quhirrie. Fol. 32 b.

Lord Herries.

James Lindsay, apparent of Fairgirth, and Johne Hereis of Croichmoir, for Williame, Lord Hereis, £4000 merks, not to reset or intercommune with Sir Robert Gordoun of Glen and his accomplices before mentioned, Williame Gordoun, Lochinvar's nephew, only excepted (*ante* p. 707).

Adam Corsan and John Maxwell.

Adame Corsane and Johne Maxvell, skinner, burgesses of Dumfreis, as principals, and Johne Herreis of Crochmoir, and Johne Corsane, bailie of Dumfreis, as sureties, £500 each, to the same effect as in the act imme-

Acta Caut. 1601–1605. Fol. 33, a.

diately preceding the last, with the addition that the said Johne Maxuell shall not reset in his house the said Broun or Hammiltoun, and that, in case they come to his house, he shall advertise the magistrates of Dumfreis thereof.

Carnegy of Kinnaird and others.

Johnne Carnegie of that Ilk for David Carnegie of Kynnaird, 2000 merks, for Walter Lyell in Achaball, Thomas Glenesk, Williame Andersoun there, William Ros in Arnitillie, Alexander Downy there, William Davidsoun there, Johnne Downy there, Robert and Robert Rossis there, Robert Stewart in Arnetullyhard, Williame Malcolme in Finzeane, Robert Smyth there, William Birs there, David Reid there, Nicoll Nicolsoun there, Robert Birs there, Johnne Fynlay in Barrahard, Archibald Finlaw there, Johnne M°Aill in Persie, Williame Nicoll there, Williame Dullois there, Andro Strachin in Dilstot, Duncane Dullois in Wodend, Johne Dullois there, Johnne Aslek at the mill of Clinter, 500

Fol. 33, b.

merks each, not to harm Sir Thomas Gordoun of Cluny.

Mr. John Hay, parson of Renfrew.

Johnne Montgomery of Scottistoun for Mr. Johnne Hay, parson of Renfrew, 1000 merks, not to harm Arthour Colquhoun of Borrowfeild. The band, registered by Mr. Alexander Pebleis, is subscribed at Renfrew, 5th February, before William Sommervaill, common clerk of Renfrew, Johnne Modervell, burgess of Renfrew, and Mr. Johnne Broun, notary,

Fol. 34, a.

writer hereof.

Holyroodhouse, 15th February. Lord Herries.

Williame, Lord Herys, appears before the King and Council and obliges himself, in £5000, not to suffer Mr. Johne Hammiltoun, Mr. Gilbert Broun, Mr. Alexander M°Quhirry, or any other jesuit, to be reset-ted in his house or upon his lands, but, as soon as he knows of their being in his bounds, immediately to apprehend them and present them to his Majesty. He shall also "had hand to the ministrie of Drumfreis in all thingis concerning the executioun of the discipline of the Kirk and exercise of the trew religioun, and sall had hand to the guid and dewtifull usage of the said minister," assisting him also to his uttermost to defend himself in the peceable possession of his glebe.

Edinburgh, 17th February. Alexander Stewart.

James Stewart of Allantoun and James Dunlop of that Ilk for Alexander Stewart, son of the said Laird of Allantoun, £1000, to answer when charged, before the King and Council, to a complaint made against him by Mr. Alexander Lokhart. In respect of the caution now found, the act whereby the said persons became sureties for the said Alexander's remaining in Edinburgh till his Majesty declared his will towards him anent the complaint foresaid is discharged.

Fol. 34, b.

William Young, minister of Redgorton and others.

Mr. Robert Ros of Cragie for William Young, minister at Ragortoun, Andro Creichtoun at the mill of Loncardie, and Johnne Cruikshank in Kirkhill, £500 each, not to harm Johnne Pitscottie of Loncardie, conform to the King's letters dated at Edinburgh 16th January *anno regni* 35. The band, registered by Mr. Oliver Colt, advocate, is subscribed at Perth 15th February before Thomas Gaw, notary, burgess of Perth, George Barroun of Kynnard, Gilbert Stratoun, burgess of Perth, and William Guthrie,—Andro Rattray, writer in Perth, being the writer of the obligation,

Edinburgh, 18th February. James Douglas.

James Douglas in Leith, as principal, and Robert Crystie, merchant, burgess of Edinburgh, as surety, to pay to his Majesty's comptroller the sum of £20 for each tun of 22 tuns of wine "run" by him since 19th March last, in case it be found that he ought to do the same after the discussing of the suspension raised thereanent,—of which sum the said James has already consigned £10 in the hands of James Prymrois, Clerk of Council. Farther, the said principal and surety oblige themselves to pay to the Treasurer the sum of £40 for the escheat goods of the said Douglas in case it be found that he is orderly denounced rebel for non-payment of the sums abovewritten. Acta Caut. 1601-1605. Fol. 35, a.

James Cheyne of Pennan.

Adame Hepburne of Ponhard for James Chene of Pennen, 1000 merks, not to harm Gilbert Baird of Auchmedden. The band, registered by Mr. Johnne M°Gill, advocate, is subscribed at Edinburgh, 12th Febuary, before Mr. Alexander Chene of Ardlahill, Johnne Young, Edward Mekiljohne, and Alexander Wylie, servitors to James Prymrois, Clerk of Secret Council. Fol. 35, b.

Edinburgh, 24th February. Robert Preston.

Robert Prestoun, merchant, burgess of Edinburgh, as principal, and Johnne Lourie, merchant, burgess there, as surety, to pay to Sir David Murray of Gospertie, comptroller, or his deputes, the sum of £20 for each tun of 20 tuns of wine "coft and ventit" by him, in case it be found that he ought to do so after discussion of the reasons of suspension raised thereanent. Of the said sum charged for, Prestoun has consigned £20 in the hands of the Clerk of Council, to be delivered to the Comptroller. Fol. 36, a.

Thomas Kennedy of Drumurchy and others.

Johnne Mure of Auchindraine for Thomas Kennedy of Drummurchie, Hew Kennedy of Bennane, Thomas Dalrumple, brother of the Laird of Stair, Johnne M°Alexander in Craganochie, Thomas M°Alexander and Alexander M°Alexander, his brothers, Thomas Wallace, servitor to the Laird of Bargany, Johnne Kennedy, smith in the Holmes, Thomas M°Almount in Bennan, Alexander Wylie in Ballentrey, Johnne M°Ilmorrow, servitor to the said Hew Kennedy of Bennan, Alexander Kennedy, son of Hew Kennedy in Dangar, and Thomas Hill in Ballaird, to answer before the King and Council when and where required to a complaint made against them by Johnne, Earl of Cassillis, touching their "allegeit convocating of his Hienes leigis in armis, bodin and furnist with hagbuttis, muscatis, and pistoletis," and "lying at await" for him in the kiln of Dalgerrak, to slay him while coming by,—all under such pains as the King and Council shall appoint in case of their non-compearance as said is. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Air, 20th February, before Josias Stewart of Wester Polquhairne, Johnne Ecclis of Kildonan, Johnne Masoun and George Angus, notaries public, and James Wallace in Air, writer hereof. Fol. 36, b.

Edinburgh, 27th February. Alexander Falconer and James Wishart.

Alexander Lyndsay of Bordland for Alexander Falconer, now of Halkertoun, 2000 merks, and for James Wischart, his servitor, 1000 merks, not to harm Agnes Erskyne, relict of Alexander Halkertoun, and Johne Strauchane of Claypottis, now her spouse, for his interest, conform to the King's letters dated at Muntrois, 20th March 1600. The band, registered by Mr. Johnne M°Gill, advocate, is subscribed at Bordland, Fol. 37, a.

Acta Caut. 1601-1605.

23rd February, before Patrik Gray of Balgarnay, Johnne Hillok, his servitor, and Thomas Falconer, servitor to the said Alexander Falconer,—Robert Myl, notary at Fettercairne, being the writer of the obligation.

John Kennedy of Blairquhan.

Hew Kennedy of Girvenmains for Johnne Kennedy, elder of Blairquhan, 500 merks, not to reset or intercommune with James Dalrumple, Johne Dalrumple, James Wallace, younger of Dullaris, servitor to the said principal, David Reid, servitor to the said James Dalrumple, Richard Kennedy, servitor to James Kennedy, son of the said Laird of Blairquhan, Gilbert Kennedy in Lenochtie, Johne Logie, Mitchell M°Quhinzie (M°Quhun) in Stratoun, and Johnne Logie there, who are put to the horn at the instance of Johne Dalrumple of Stair, or furnish them with meat, drink, or harboury during their rebellion. The band, registered by Robert

Fol. 37, b.

Hammiltoun, advocate, is subscribed at the burgh of Air, 26th February, before Josias Stewart of Wester Polquhairne, George Dumbar of Barnemure, Andro Kennedy, burgess of Air, and George Masoun, writer hereof, son of Johnne Masoun, common clerk of Air.

Edinburgh, 3rd March. Mark and Hector Turnbull.

Mr. Williame Cranstoun, fiar of that Ilk, for Mark Trumbull, brother of the late Robert Trumbull of Bewly, and Hector Trumbull of the Firth, either of them in 500 merks, on being freed furth of the burgh of Edinburgh, wherein they are presently warded, to re-enter therein upon 15th

Fol. 38, a.

May next. The band, registered by Mr. Williame Oliphant, advocate, is subscribed at Edinburgh and Cranstoun, 3rd March, before Johne Young, servitor to James Prymrois, Clerk of Secret Council, Patrik Auchinlek, writer, James Douglas of Caveris, and Nicoll Spynie.

Edinburgh. 5th March. Lady Stair.

Johnne Kennedy, elder of Blairquhan, for Issobell Kennedy, Lady Stair, 300 merks, not to reset or intercommune with James Dalrumple and his accomplices abovewritten during their rebellion. The band, registered by Joseph Myllar, advocate, is subscribed at Blairquhan, 1st March, before James Kennedy, "my sone," George Dumbar of Barmure, "my servand," and Mr. Johne M°Quhirne, minister at Stratoun.

Fol. 38, b.

"Thir actis undirwrittin tane the tyme of his Majesteis being in Drumfreis fra the xxvi day of Februair to the aucht day of Marche 1602: J. Prymrois."

Dumfries, 26th February. Robert Johnstone.

Robert Johnestoun of Raccleuch, as principal, and Williame Douglas, apparent of Caschogil, as surety, £500, not to harm Alexander Maxwell of Logane, or Robert Logane, his son.

Dumfries, 4th March. James Douglas and others.

Sir James Douglas of Drumlanrig for James Douglas of Pinyerie; the said Laird of Pinyerie for Mathow Wilsoun of Croglyne; Johne Dowglas in Craigmowy for Archibald Dowglas in Corsindane; said Archibald for Johne Dowglas of Craigmowy,—£500 each, not to reset or intercommune with Johne Johnestoun of Lochehous, George Dowglas, brother of the said Johne Douglas of Craigmowy, and Henry Greir in Bardannach, while they lie at the process of horn executed against them at the instance of James,

Fol. 39, a.

Earl of Glencairne, for "surprysing and taking of his hous of Glencairne."

Gilbert Kirko.

Johne M°Clellane of Arymene for Gilbert Kirko of Sandywell, £500, to the effect abovewritten.

Sir James Douglas and Charteris of Amisfield. John Kirko.

Sir James Douglas of Drumlangrig for Charterhous of Amisfeild, *et vice versa*, £1000 each, also to the effect abovewritten. Acta Caut. 1601-1605.

Robert Huntar in Halywodnuik for Johne Kirko of Chapell, £500, also to the same effect.

Sir James Douglas.

James Douglas of Penyerie for Sir James Douglas of Drumlangrig, 3000 merks, not to harm Mr. Johne Douglas of Artland.

John Carruthers.

Johne Carruthers of Holmendis, as principal, and Alexander Maxuell of Logane, as surety, 2000 merks, not to harm Robert M°Brair of Almegill. Fol. 39, b.

Sir James Douglas and John Charteris.

Johnne Charterhous of Amisfeild for Sir James Douglas of Drumlangrig, *et vice versa*, 5000 merks each, not to harm Mr. Johne Johnestoun, Commendator of Halywod.

Dumfries, 7th March. John Wilson.

Johne Wilsoun, apparent of Croglyne, as principal, and Mathow Wilsoun of Croglyne, his father, as surety, £500, not to reset the said Johne Johnestoun, George Douglas, and Henry Greir, during their rebellion.

Grissel Smith and her spouse.

Cuthbert Greir of Dalskarth, and Johne Murdoch, burgess of Drumfreis, for Gressell Smyth in Holme, and Johne Murdoch, her spouse, 500 merks each, not to harm James Currour in Holme. Fol. 40, a.

Dumfries, 8th March. Robert Mac-Brair.

Robert M°Brair of Almegill, as principal, and Archibald M°Brair, burgess of Drumfreis, as surety, £1000, to the same effect.

Edinburgh, 12th March. Captain Patrick Heron and his spouse.

Umphra Cunynghame, vicar of Kilmacolme, for Captain Patrik Hering, and Cristeane Reid, Lady Randyfurd, his spouse, 2000 merks, not to harm Sir Williame Menteith of Kers. The band, registered by Johne Haliday, advocate, is subscribed at Stirling, 11th March, before Thomas Erskine, Mr. James Kirk, and Robert Lyle, servitor to the Earl of Ergyll, and Johne Patoun in Middletoun of Pitgober,—the writer of the obligation being Alexander Barclay, servitor to Johne Waisoun, sheriff and town clerk of Stirling. Fol. 40, b.

Edinburgh, 17th March. Robert Henderson and others.

David Hering, fiar of Glesclune, for Robert Hendersoun, portioner of Cornetoun, Robert Spittell, *alias* Waird, baxter in Striveling, James and Donald Essounis in Cornetoun, £500 each, not to harm Thomas Young, portioner of Cornetoun, James Garrow there, or Johne Gilleis there.

Sir James Douglas of Drumlanrig.

Andro Roriesoun of Bardannoch for Sir James Douglas of Drumlanrig, 1000 merks, not to reset or intercommune with Charlis Jerdane, father-brother of the Laird of Appelgirth, while at the horn at the instance of Elizabeth Waucht, relict of Harbert Jardane of Auldgirth. The band, registered by Mr. Umphra Blinscheill, advocate, is subscribed at Drumlanrig, 15th March, before Andro Murray, James Dowie, Johne Rig, notary, writer of the body of the obligation, and William Edzar. Fol. 41, a.

Dunfermline, 17th March. James Dalrymple and James Wallace.

James Kennedy of Crugaltoun for James Dalrumple, brother of the Laird of Stair, and James Wallace, younger of Dullers, £100 each, to answer upon 18th May next to a complaint against them by the said Laird; also, to pay to the Treasurer £20 each of them for his escheat. Acta Caut. 1591-1616. Fol. 3, b.

Edinburgh, 18th March. James Scott.

James Ker, burgess of Edinburgh, for James Scot of Quhithoup, 200 merks, to answer before the King and Council upon 18th May next to a Acta Caut. 1601-1605. Fol. 41, a.

Acta Cant. 1601–1605.

complaint made against him by Sir Williame Stewart of Traquair, touching the alleged reif of certain ewes, as specified in the letters directed thereupon.

Fol. 41, b.

Johnne Anstruther, vicar of Kilrynnie, and burgess of Anstruther, for James Leirmounth of Dairsie, provost, Masters William Russell, William Weymis, Duncane Balfour, and Patrik Guthrie, bailies, and Johnne Myls, deacon of the baxters, for themselves and the rest of the community of the city of St. Androis, and also in name of the university thereof, to destroy the measures and firlots of the said city, which are not agreeable to the Act of Parliament, and to accept a new firlot made by the provost and bailies of Lynlythqu,—to whom the standard of the said firlot has been of old committed,—of the standard, form, and "proportie" specified in the Act of Parliament (1587, c. 136, iii. p. 521), under the pain of 500 merks besides the pains prescribed in the said Act, in case it be found that they ought to do the same after trial of the reasons of suspension raised by them. Edinburgh, 19th March. James Learmonth of Dairsie and others.

Acta Cant. 1591–1616. Fol. 4, a.

Sir Johnne Lindsay of Wodheid for George Gordoun, fiar of Geycht, 5000 merks, to repair to his own house of Ardoch and remain there,—going monthly, if his health permit, to the burgh of Abirdene, where he is to reside 8 days every month, occupied in conference with the Bishop of Abirdene and Presbytery thereof for his resolution in such points of religion as he stands in doubt of. He is to continue in the said ward and 8 miles thereabout till freed by his Majesty. If he be so visited with "disease and seiknes" that he cannot repair to the said burgh, he shall monthly advertise the said Bishop and Presbytery thereof, with a request to send some one to reason with him on the said matter. The principal and surety register the band, subscribed at Brechin, 21st March, before Sir David Wode of Craig, Robert Wode, his servant, and James Prymrois, writer hereof. Brechin, 21st March. George Gordon, fiar of Gight.

Acta Cant. 1601 1605. Fol. 42, a.

Patrik Gray of the Hilsyd for Robert Scot, brother of Sir James Scot of Balverie, £500, not to harm Patrik Pitcairne of Pitlour. The band, registered by Mr. Henry Balfour, advocate, is subscribed at Kirkcaldy, 16th March, before Williame Scot and Williame Murray, burgesses of Kirkcaldy, Johnne Patersoun, son of Andro Patersoun of Dynmure, and George Halkheid, notary. Edinburgh, 23rd March. Robert Scott.

Acta Cant. 1591–1616. Fol. 4, a.

Fol. 4, b.

Sir Michaell Balfoure of Burley for Captain Thomas Erskin, to whom commission is granted to levy 200 men for service in the Low Countries of Flanderis; for Captain Hary Bruce, authorized to levy 200 men for the same purpose; and for Patrik Murray, ensign to Captain Robert Hendersoun, commissioned to raise 60 men for service in the said country,—to lift the said numbers of men quietly, without striking drums to that effect; also, not to export the said commissions, but, before their departure, to deliver the same to the Secretary, each under the pain of £1000. Brechin, 25th March. Captain Thomas Erskine and others.

Hary Guthrie of Collestoun, and Mr. David Guthrie, chamberlain of Arbroith, for George Guthrie, brother of the said Mr. David, 5000 merks, to remain in Brechin till he be examined as to the "allegeit murthour of his awin wyff, quhairof he is suspect gilty." George Guthrie.

Edinburgh, 26th March. Archibald Hiegate, clerk of the regality of Glasgow.

James Forret of Burrowfeild for Archibald Hiegait, clerk of the regality of Glesgow, £1000, not to harm Robert Boyd of Badinhaith. The band, registered by Archibauld Boyd, advocate, is subscribed at Glesgow, 22nd March, before Mr. Henry Gibsoun, clerk of Glesgow, William Andersoun, merchant, William Wallace, burgess there, and Thomas Pittingrew, burgess there,—the said Archibauld being writer of the obligation. Acta Caut. 1601-1605. Fol. 42, a-b.

John Pearson, younger, in Anstruther.

Johnne Borthuik of Gordonishall for Johnne Peirsoun, younger in Anstruther, £500, not to harm Williame Smyth, burgess of Anstruther Easter. The band, registered by Archibauld Boyd, advocate, is subscribed at Balhuifie, 23rd March, before David Patoun, miller, Johnne Mershell, cook in St. Androis, Adame Quhyte, "my servand," Johnne Anstruther, elder (vicar of Kilrynnie), and Johnne Anstruther, younger, notary,—this last being the writer of the body of the obligation. Fol. 43, a.

Edinburgh, 27th March. Robert Matthew.

Archibauld Hiegait, clerk of the regality of Glesgow, for Robert Mathow, servant to Captain Thomas Crawfurd, 300 merks, not to harm Robert Boyd of Badinhaith. Fol. 43, b.

Brechin, 27th March. John Mudie.

Johnne Mudie of Branigtoun, as principal, and Robert Mudie, merchant, burgess of Dundie, Thomas Lyell in Balmechliemylne, and David Skair in Hauchnyll, as sureties, £1000, not to harm William Rollok of Balbegie,—James Prymrois, Clerk of Council, subscribing for the parties. Acta Caut. 1591-1616. Fol. 4, b.

William Gordon.

Alexander Lindsay of Bordland for William Gordoun of Brachlie, 1000 merks, to appear before the King and Council upon 20th April next; also, to enter William and Donald Gordonis to answer to a complaint against them by Sir David Wode of Craig for the awaytaking of certain goods. Fol. 5, a.

Brechin, 29th March. George Summer and others.

James Fentoun of Wester Ogill for George Sommer, elder of Balyeordie, £1000, George Sommer, younger of Balyeordie, 1000 merks, and Mr. Johne Rait, 500 merks, not to harm James Mortymer, fiar of Cragyvar.

Edinburgh, 1st April. Thomas Roughead.

Williame Denhem, burgess of Edinburgh, for Thomas Rouchheid, merchant in Duns, not to harm Williame Manderstoun in Duns, under the pains in the King's letters. Acta Caut. 1601-1605. Fol. 43, b.

Brechin, 5th April. James Guild.

James Guild in Mylnedenis, as principal, and Mark Storie in Bapetrie, as surety, 500 merks, not to harm Sir Waltir Lindsay of Balgayis, under the pains in the King's letters. Acta Caut. 1591-1616. Fol. 5, a.

Brechin, 6th April. Mr. James Fotheringham

Mr. James Fothringhame, parson of Balumbie, as principal, and Johnne Skrymgeour of Kirktoun, as surety, 1000 merks, not to harm Alexander Gairdin, son of late David Gairdin of Leyis. Fol. 5, b.

Sir John Lindsay and others.

Sir Johnne Lindsay of Wodheid, as principal, and David Lindsay, bailie of Brechin, as surety, £2000, and the said principal for William Rynd of Kers and Johnne Rynd, fiar of Kers, either in 2000 merks, and for Robert Cairnecros, and James Hunter, servitors to David, Earl of Crawfurd, either in 500 merks, not to harm Sir Walter Lindsay of Balgai.

James Lyell and others.

Sir Johnne Lindsay of Wodheid for James Lyell, brother of Thomas Lyell, fiar of Murthill; Alexander Lindsay of Ketbik for David Lindsay of Querrelhill; Thomas Lyell of Murthill, as principal, and the said David as surety; said Sir Johnne for Gilbert Rynd, son of the Laird of Kers, elder; David Lindsay of Auchindae, as principal, and the said Laird of Querrel- Fol. 6, a.

Acta Cant. 1591-1616.

hill, as surety; Harie Lindsay in Blaryfeddin, as principal, and Abrahame Creichtoun, burgess of Arbroith, as surety,—not to harm Sir Waltir Lindsay of Balgayis, under the pains following, viz. Laird of Murthill, 2000 merks, Lairds of Querrelhill and Auchinadie and Hary Lindsay in Blaryfadden, 1000 merks each, and every one of the rest 500 merks. The principals relieve their sureties, and Johnne Rynd of Kerse becomes bound to relieve the cautioner for his two sons abovewritten.

Fol. 6, b.

Alexander Guthrie of that Ilk for Gabriell Guthrie in the mains of Guthrie and Thomas Schiphird in Hillside of Guthrie, 500 merks each, to the effect foresaid. Brechin, 8th April. Gabriel Guthrie and Thomas Shepherd.

Sir Johnne Lindsay of Wodheid for Sir Walter Lindsay of Balgayis, not to harm James Guild in Denmilnis, under the pains in the King's letters. Sir Walter Lindsay.

Sir Waltir Lindsay of Balgayis for David Lindsay, his son, 500 merks, and for Johnne Lindsay, his servant, David Symsoun in Balgay, James Dog there, George Creichtoun there, Alexander Kid there, Patrik Nicoll there, Robert Michell there, William Nicoll there, David Nicoll there, James Wilkie there, Patrik Man in Hiltoun, James Man there, William Nicoll there, Johnne Bucholme there, George Rynd in Auldenis, and Patrik Herreis in Hilsyde, 300 merks each, not to harm James Guild in Milden. David Lindsay and others.

Fol. 7, a.

David Lindsay, fiar of Vane, for David Lindsay, son natural of David, Earl of Craufurd; and Alexander Lawder of Umoquhy, and James Findlasoun, burgess of Dundie, for Thomas Bruntfeild in Dundie,—not to harm Sir Walter Lindsay of Balgayis, under pains in the King's letters. Montrose, 9th April. David Lindsay and Thomas Bruntfield.

Acta Cant. 1601-1605. Fol. 43, b.

Andro Ker of Fentoun for Robert, Lord of Roxburgh, to render to his Majesty's Treasurer the dwelling place of the Friars alleged to pertain to dame Jonet Douglas, his mother (who is put to the horn at the instance of Thomas Cuninghame, merchant, burgess of Edinburgh, for non-payment to him of the sum of £1000 as principal and £40 of expenses), in case it be found that he ought to do the same after discussion of the reasons of suspension obtained by him. Edinburgh, 9th April. Robert, Lord Roxburgh.

Acta Cant. 1591-1616. Fol. 7, a.

James M^cKeane, merchant, burgess of Monrois, for Patrik Buttir of Marytoun, 500 merks, to answer before the King and Council at Dundie upon 24th instant for his lying under the censure of excommunication. Montrose, 13th April. Patrick Butter.

Acta Cant. 1601-1605. Fol. 44, a.

Andro Richartsoun, merchant, burgess of Edinburgh, for Johnne Stark, merchant, burgess of Glasgow, to pay to James Forret, bailie of the city of Glasgow, the sum of £30, conform to Forret's protest obtained against Stark, in case it shall be found that he ought to do the same. Edinburgh, 15th April. John Stark.

Acta Cant. 1591-1616. Fol. 7, b.

Henry Ramsay of Ardowny for James Alexander in Ummoquhy and Alexander Alexander in Brydstoun, 300 merks each, not to harm James Brabner and Robert Brabner in Caterling, conform to the letters executed by Johnne Findlasoun, messenger. Mr. Robert Young registers the band, written by Robert Weddirburne, notary, and subscribed at Mounifuoch 16th April, before Mr. Andro Clayhillis, minister at Mounifuoch, Richard Jack, Andro Knycht, and David Alexander, there. Brechin, 17th April. James and Alexander Alexander.

Fol. 8, a.

James Levingstoun of Cadam for Alexander Alschoner in Capo, 300 merks, not to harm James and Robert Braibnairis in Fettircairne, Alexander Alshunder.

Cristeane Braibner, their sister, Andro Spaid in Brigfurd, and Jonnet Done, his spouse, the said principal and George Fothringhame in Capo becoming sureties in relief. Acta Caut. 1591-1616.

Edinburgh, 18th April. Archibald Hamilton.

James Greinlay, tailor, burgess of Edinburgh, for Archibald Hammiltoun, son of the late James Hammiltoun of Langhirdmestoun, to pay the sum of £20,—as his part of the taxation of 100,000 merks for his pension of £100 furth of the Kirklands of Gymlie and Coquhane,—to Johnne, Marquis of Hammiltoun, or Mr. David Guthrie, his chamberlain, in case it shall be found that he ought to do the same. Acta Caut. 1601-1605. Fol. 44, a.

Brechin, 20th April. James and David Shakhart.

Abraham Creichtoun, burgess of Arbroth, for James Schakart, burgess there, and David Schakart, his son, burgess there, £200 each, not to harm Daniell Lyell, burgess there. Acta Caut. 1591-1616. Fol. 8, a.

Bishop of Brechin.

David Campbell of Deanheid for Alexander, Bishop of Brechin, to pay to the Treasurer £100 for his escheat within 40 days hereof, or else obtain nullity of the horning used against him for not paying to the Duke of Lennox and Earl of Mar, collectors of the taxation of 100,000 merks, his part of the said taxation for the bishopric of Brechin. Fol. 8, b.

Brechin, 21st April. Malcolm Falconer and others.

Waltir Ogstoun of Fettircarne for Malcome Falcouner in Fettircairne, Alexander Falcouner, his eldest son, William Mylne at the mill of Fettircairne, and Johnne Mylne, 300 merks each, not to harm James and Robert Braibneris and their colleagues abovewritten.

Captain Patrick Heron and spouse.

Umphra Cunynghame, vicar of Kilmacolme, for Captain Patrik Hering, and Christeane Reid, Lady Randiefurd, his spouse, 2000 merks, not to harm Williame Menteith, fiar of Kers. Johnne Murray registers the band, written by Alexander Barclay, servitor to Johnne Williamsoun, sheriff and town clerk of Striviling, and subscribed there, 18th April, before the said Williamsoun and Barclay, and Mr. James Cunynghame of Fynwik and Mr. James Kirk, servitors to my Lord of Argyle. Fol. 9, a.

Robert and James Brebner.

David Stratoun in Caterling for Robert and James Brebnairis, 300 merks each, not to harm Alexander, James, and Alexander Alexanderis. —Johnne Murray registers the band, written by James Neilsoun, notary in Inuerberue, and subscribed at Hervestoun, 20th April, before Zacharie M°Gill, James Jamesoun, David Corn, William Wode, and said writer hereof,—the last subscribing for Robert and James Brebnairis. Fol. 9, b.

Patrick Butter.

Patrik Butter of Elrike, as principal, and Johnne Gordoun, sheriff depute of the shire of Abirdene, as surety, £1000, to obtain himself relaxed by Midsummer next from the excommunication under which he lies, or else to go abroad by the time foresaid and not return without licence.

Edinburgh, 21st April. John Stark.

Andro Richardsoun, merchant, burgess of Edinburgh, for Johnne Stark, merchant, burgess of Glasgow, 300 merks, to answer before the King and Council upon 25th May next to anything that James Forret, baron bailie of Glasgow, or any other person can lay to his charge. Acta Caut. 1601-1605. Fol. 44, b.

Edinburgh, 22nd April. Mr. Robert Stewart, minister at Rothesay.

Johnne Stewart, sheriff of Buit, for Mr. Robert Stewart, minister at Rothessay, 500 merks, not to harm Lauchlane Our M°Neill. The band, registered by Mr. Patrik Forrest, advocate, is subscribed at Mungreway, 20th April, before James Stewart, burgess of Rothesay, and Thomas Stewart, notary, writer hereof, and burgess there. Fol. 45, a.

Acta Cant. 1591-1616. Fol. 10, a.

David Dempster, constable of Brechin, as principal, and Johnne Peiris, cordiner, burgess there, as surety, 200 merks, not to harm David Dempstair, skinner, also burgess there. Brechin, 22nd April. David Dempster.

Johnne Traill, burgess of Dundie, for George Traill, his son, 500 merks, not to harm the provost, bailies, and council of Elgin. Dundee, 23rd April. George Traill.

Sir Waltir Lindsay of Balgawyis for David Simpsoun in Balgayis, Alexander Kid there, William Nicoll there, Patrik Nicoll there, and Robert Mitchell there, 300 merks each, not to harm Petir Oliphant of Turingis, Johnne Oliphant, his brother, Walter Ogilvy in Nether Turingis, Allaster Moir there, Robert Bane in Suordo, or Johnne Galloway there. David Simson and others.

Fol. 10, b.

Patrik Lindsay of Barneyairdis for David, Earl of Crawfurd, £5000, not to harm Sir Waltir Lindsay of Balgauyis. William Thomasoun registers the band, written by Johnne Traill, and subscribed at Fynnewin, 22nd April, before David Lindsay of Kynnettillis, David Lindsay of Auchunady, James Hunter, George Cairnecors, George Pringle, servitors to the said Lord, said Johnne Traill, notary public, and Robert Dempster, notary. Earl of Crawford.

Acta Cant. 1601-1605. Fol. 45, a.

Thomas M^cAlexander of Corsclayis, as principal, and David Fergushell, burgess of Air, as surety, 1000 (? 3000) merks, not to harm Gilbert M^cFadrisch and Williame M^cFadrische, servitors to the Laird of Girvandmains. The band, registered by Mr. Nathaniell Edward, is subscribed at Air, 22nd April, before Williame M^cKerrell, sheriff clerk of Air, Petir Hammiltoun, burgess of Air, and Johnne Knycht,—the said sheriff clerk, and Alexander Wylie, servitor to James Prymrois, Clerk of Council, being the writers of the obligation. Edinburgh, 24th April. Thomas Macalexander.

Fol. 45, b.

Johnne Stewart of Ardmoleis, sheriff of Bute, and Johnne Stewart, his son and heir apparent, for Adame Fairlie of Boig, Niniane Stewart, fiar of Kilchattane, Mr. Robert Stewart, minister of Rothesay, Ronnald Ballentyne of Dunalunint, Angus Ballentyne of Lupas, Dugall Stewart, son of the Goodman of Ambroismoir, James Stewart, sheriff depute, James Stewart of the Hill, Patrik Ker, Johnne Stewart of Askog, Johnne Stewart, younger, his son, Robert Stirling, burgess of Rothesay, Johnne Fullartoun, messenger, David Ballendene of Clakinba, Archibald M^cKany of Lenquhilling, Robert M^cNeill [in] Lenacheill, Johnne Stewart of Kildavannan, Donald Gailyie in Grenan, Gilbert M^cIntyre in Bellichaill, Johnne Stewart in Kinquhinlik, Donald Our M^cKirdie in Dunalunint, Johnne M^cNeill of Kilmorie, James Jamiesoun, crowner of Bute, Alexander Glas in Midaskog, Andro M^cKeny of Barnald, Fynla M^cIlmun of Kerienemoch, Fynla M^cIlvie, Thomas Cuninghame of Scowloch, and Johnne M^cKirdie of the Hill: farther, the said Adame Fairlie of Boig for the said Johnne Stewart, sheriff of Bute, and the said Johnne Stewart, his son:—not to harm Marie M^cCloyd, relict of Duncane Campbell, captain of Castle Sune, Malcolme M^cChattane, blind man, burgess of Rosey, and Lauchlane Ouer M^cNeill, under the pains contained in the King's letters directed thereanent. The band, registered by Robert Hamiltoun, advocate, is subscribed at Dunfermeling, 23rd April, before Mr. Robert Stewart, minister at Rothesay, Niniane Cuninghame, George Hodge, servitor to the said sheriff, and Johnne Walker. Adam Fairlie and others.

Fol. 46 a.

Edinburgh, 26th April. Walter Kinnaird of Cubin.

James Douglas of Shuttingaikeris for Walter Kinaird of Cubin, £1000, not to harm Cristeane Falconer, relict of David Dumbar of Duris, or Patrik Dumbar of Conzie, now her spouse, conform to the King's letters dated at Edinburgh 1st August *anno regni* 35 (1601). The band, registered by Mr. Williame Borthuik, is subscribed at Elgyn, 20th April, before Mr. James Gardin, Thomas Kynnaird, burgesses of Elgyn, Tiberius Winchester, burgess there, Alexander Innes in Quhytwrey, and Alexander Gaddrer, notary public and writer hereof. Acta Caut. 1601-1605. Fol. 46, b.

Edinburgh, 27th April. Hew, Lord of Lowdoun.

Thomas Stewart of Galstoun for Hew, Lord of Lowdoun, 5000 merks, not to reset Johnne Kennedy, younger of Blairquhan, during the time of his rebellion, conform to the King's letters directed at the instance of Mr. Thomas Hammiltoun of Drumcairne, advocate, against the said Lord. The band, registered by Mr. Laurence Makgill, advocate, is subscribed at the Bank, 26th April, before Williame Campbell of Grenokmanes, James Campbell, Hew Campbell, and George Campbell, writer hereof, servitors to the Lord of Lowdoun. Fol. 47, a.

Edinburgh, 28th April. Thomas Fraser and others.

Gilbert Orme (Orume) of Carneday, burgess of Aberdene, for Thomas Fraser, brother of Andro Fraser of Stanywod, in 1000 merks, and for David Lyndsay, burgess of Aberdene, and Williame Blakhall, maltman there, in 500 merks each, not to harm Mr. Alexander Irvine, advocate there. The band, registered by Robert Hammiltoun, advocate, is subscribed at Aberdene, 24th April, before Thomas Burnet, Robert Blakhall, Williame Davidsoun, burgesses there, and Williame Wallace, student there,—Gilbert Thomsoun, writer hereof, notary public, and William Chalmer, notary, subscribing for Gilbert Orume. Fol. 47, b.

Dunfermline, 29th April. James Hamilton.

Sir Robert Hammiltoun of Goslingtoun for James Hammiltoun of Libbertoun, £1000, to answer on 20th May next to a complaint against him by Johnne, Earl of Mar, anent the alleged houghing of his oxen; also, to pay to the Treasurer £1000 for his escheat, or else obtain nullity of the horning used against him for not answering to the said complaint. Archibald Lorymer, notary, registers the band, subscribed at Avendaill, 26th April, before Eliazair Hammiltoun of Auchlochane, Johnne Hammiltoun of Netherfeild, Johnne Forrest, notary, and Archibald Lorymer, notary. Acta Caut. 1591-1616. Fol. 11, a.

John Horn and others.

Patrik Stewart of Baith for Johne Horne in Chanberrie, Thomas Horne there, and William Kersie there, 300 merks each, not to harm James Brand in Tulliallane, William Cusing, James Proud, James Horne, Thomas Cumyng, Duncane Prymrois, James Pacok, Waltir Cumyng, Gilbert Rany, Johnne Young, Johnne Bakellie, Johnne Tailyeour, Henry Bennet, Thomas Masoun, Waltir Patirsoun, Edward Schairp, Harbert Davidsoun, and Johnne Thomesoun, elder, tenants and servants of the Laird of Tulliellane. Fol. 11, b.

Edinburgh, 1st May. William Cunningham.

Williame Cuninghame, tutor of Aiket, as principal, and Alexander Stevinsoun of that Ilk, as surety, £2000, not to harm Robert Quhyte in Aiket, or Johnne, Robert, Thomas, George, and William Quhytes, his sons. The band, registered by Joseph Myllar, advocate, is subscribed at Acta Caut. 1601-1605. Fol. 47, b.

Acta Caut. 1601-1605. Fol. 48, a.

Stevistoun, 21st April, before Williame Baillie, brother of the Laird of Carphin, Hew Baillie and Thomas Nisbit, his servants,—Alexander Wylie, servitor to James Prymrois, Clerk of Council, being the writer of the obligation.

Alexander Cunningham and John Ryburne.

Williame Cunynghame, tutor of Aiket, for Alexander Cunninghame of Corshill and Johne Ryburne of that Ilk, £2000 each, to the effect foresaid. The band, registered by Joseph Myllar, advocate, is subscribed at

Fol. 48, b.

Capringtoun, 26th April, before Johnne Tait of Adamehill, Alexander Cuninghame, notary in Capringtoun, writer hereof, and Johnne Cuninghame, brother of the Laird of Collellan.

Edinburgh, 6th May. Sir John Ogilvy of Craig.

Mr. Johnne Ogilbie of that Ilk for Sir Johne Ogilbie of Craig, 5000 merks, not to harm Johne Scrymgeour of Glaswell. The band, subscribed

Fol. 49, a.

by Mr. Thomas Craig, advocate, is subscribed at the Kirk of Indergowry, 3rd May, before Alexander Ironis and James Small (writer hereof), servitors to Sir Johnne Ogilbie, and Johnne Barnerd and William Ramsay, both servitors to Mr. Johnne Ogilbie of that Ilk.

Mr. David Ogilvy.

Johnne Irnis, portioner of Kinclewn, for Mr. David Ogilbie, 2000

Fol. 49, b.

merks, to the effect foresaid. The band, registered as above, is subscribed at the burgh of Luntrathen, 2nd May, before James, Master of Ogilbie, Johnne Fairer in Kinclewn, Alexander Broun, Johnne Lyoun, and Mr. Walter Schewan, notary, writer hereof.

Acta Caut. 1591-1616. Fol. 11, b.

7th May. John Gordon.

William Udny of that Ilk for Johnne Gordoun of Newtoun, £1000, to satisfy by 24th June next the ministers of the presbytery appointed for the trial anent the confession of his faith, or else to go abroad by the day

Fol. 12, a.

foresaid. The band, written by Johnne Boig, notary, is subscribed at Newtoun, 26th April, before Johnne Gordoun, son of the said principal, Alexander Gordoun and William Davidsoun, servitors to the said Johnne Gordoun, James Spence, burgess of Abirdene, and the said writer hereof.

Stirling, 10th May. James and Michael Fogo.

James Fogo, younger, portioner of Row, for James Fogo, elder, his father, liferenter of the said lands, £500, and for Michaell Fogo, his son, 300 merks, not to harm Mathew Colquhoun in Chapelland, or Agnes Dow, his spouse. Johne Williamsoun, sheriff, town clerk of Striviling, registers

Fol. 12, b.

the band, written by Alexander Barclay, servitor to Williamsoun, and subscribed at Stirling 10th May before Archibald Alshunder, bailie, Thomas Hart in Striviling, George Fogo, servitor to Lady Dame Annabell Murray, Countess of Mar, and the said writer hereof,—the said town clerk subscribing for James Fogo, younger.

Acta Caut. 1601-1605. Fol. 49, b.

Edinburgh, 11th May. John Scrimgeour.

Johnne Scrymgeour of Gleswell, as principal, and George Hay of Netherlef, as surety, not to harm Sir Johnne Ogilbie of Craig, or Mr. David Ogilbie, his brother, under the pains contained in the King's letters directed thereanent.

Fol. 50, a.

Edinburgh, 14th May. Alexander Maxwell and others.

Johnne Redik of Dalbetie for Alexander Maxvell of Logane, 1000 merks, and for Robert and Johnne Maxvellis, his sons, James and Thomas Maxvellis, his brothers, Peter Maxvell of Munschis, and Johne Maxvell, son of Williame Maxvell, called of Logane, 500 merks each, not to harm

David Murray of Clonyeart, Charlis Murray, his brother-son, Barnard Tait in Raskarrall, Thomas Clachrie there, Adame Halyday in Little Cloik, Johnne Nevine there, Thomas Carsane in Barbakkow, Adame Tait there, Johnne Queill there, and Gilbert Rorin there. The band, registered by Cornelius Tennent, advocate, is subscribed at Dalbetie, 2nd May, before James Redik, brother of the surety, Andro Fergusoun, cook, and Hew Mure,—the said Robert Maxvell being the writer of the obligation. Acta Caut. 1601-1605. Fol. 50, b.

Edinburgh, 18th May. Sir James Hamilton.

Sir Robert Hammiltoun of Goslingtoun for Sir James Hammiltoun of Libertoun, £1000, to answer before the King and Council upon 20th instant to a complaint made against him by James Lennox, messenger, touching the alleged directing of his servants in pursuit of the said messenger for his bodily harm; also, to pay to the Treasurer within 40 days hereof, the sum of £1000 for his escheat goods fallen by the horning executed against him by Lennox, or within that time to report a nullity of the said horning or a declarator of his diligence under the clerk of register's hand. Fol. 51, a.

Alexander Cunninghame.

Johne Quhytfurd of that Ilk for Alexander Cunynghame of Craiganis, £2000, not to harm James Barclay, servant to James Cunynghame of Glengarnok. The band, registered by Mr. David Aytoun, advocate, is subscribed at the Craiganis 14th May, before Williame Cunynghame, brother of the said Alexander, Mr. Andro Cunynghame, vicar of Stobo, Williame Flemyng, burgess of Glasgow, and Gabriell Cunynghame, merchant,—James Cunynghame, servitor to the said Alexander, being the writer of the obligation. Fol. 51, b.

Edinburgh, 19th May. Thomas Young.

Patrik Stewart of Baith for Thomas Young in Craigtoun, 300 merks, not to harm James Brand, William Cusing, Johne M^cKairter, Thomas Haistie, Johnne Cumming, James Cuming, James Proud, James Horne, Thomas Cumming, Duncane Prymrois, James Pacok, Gilbert Rany, Williame Cumming, Gilbert Rany, Johne Young, Johnne Bauchop, Allane Johnestoun, Johnne Tailyeour, Henry Bennet, Thomas Maisoun, Williame Aikin, Walter Patoun, Eduard Schairp, Harbert Davidsoun, and Johnne Thomsoun, elder, tenants of James Blacader of Tullial-lane.

John West.

Johnne Oliphant in Hiltoun of Guthrie for Johnne Wast in Wester Balgavyes, £100, not to harm Andro Edonie, or Robert Edonee, his father, both dwelling in Braidfawldis. The band, registered by Mr. Williame Oliphant, advocate, is subscribed at Hiltoun of Guthrie, 17th May, before Mr. David Lindsay, minister at the Kirk of Guthrie, son-in-law "to me the said Johnne Guthrie" [? Oliphant], and Johnne Galloway and Williame Oliphant, "my servandis,"—the minister subscribing for Johnne Wast. Fol. 52, a.

Sir John Murray and Mr. Gideon Murray.

Robert Cairnecors and Johnne Murray, merchants, burgesses of Edinburgh, for Sir Johnne Murray of Ettelstune Ferycht, £3000, and for Mr. Gedioun Murray of Eliebank, 3000 merks, to remove Williame Scot of Hundillshop and all others furth of the lands of Feithane belonging to Sir Williame Stewart of Traquair, and occupied by Adame Veiche, his tenant,

Acta Caut. 1601-1605.

and to enter the said Adame therein; also, to cause restitution be made to the said Stewart of 50 ewes reft by James Scot of Quhithoup, in case it be found that they ought to do the same after the discussion of the reasons of suspension whereby the letters of horning directed against them are suspended to 16th June next.

Fol. 52, b. James Stewart.

Johnne Grant of Freuchie for James Stewart, portioner of Roithmais, 1000 merks, not to harm James Gordoun, fiar of Newtoun, or his tenants and servants, in the possession of the town and lands of Cairnehill. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Kirktoun of Rany, 9th May, before Mr. Walter Abercrumby, Fol. 53, a. parson of Rany, Mr. Henry Leith, schoolmaster at Rany, James Cruikschank in Kirktoun of Rany, Williame Leyth, son of Johnne Leyth of Harthill, Walter Thomsoun, notary, writer hereof, and Williame Young, notary public,—the said Walter Thomsoun, notary, subscribing for James Stewart.

Edinburgh, 24th May. Hector and Mark Turnbull.

Johnne Home of Huttounhall for Hectour Trumbull of the Firth and Mark Trumbull, brother of the late Robert Trumbull of Bewlie, either of them in 500 merks, that, on being freed out of the burgh of Edinburgh, wherein they are presently warded, they will re-enter in ward within the said burgh upon 20th August next.

Edinburgh, 25th May. John McNaucht.

Johnne Andirsoun of Boighall for Johnne M°Naycht in Little Merquhirne, 500 merks, not to harm Robert Maxwell of the Crofts of Kirkpatrik. The band, registered by Johnne Halyday, advocate, is Fol. 53, b. subscribed at Merquhirne, 19th May, before Johnne Carnochquhane (Carnochquhirne), Thomas Nicolsoun, (?Neilsoun), and William Twynen.

John MacLellan and John Crocket.

Gilbert Kirko of Sondaywell for Johnne M°Clellane in Ardmyne, and Johne Croket, his tenant, 500 merks, not to harm Robert Maxwell of the Croftis of Kirkpatrik. The band, registered by Mr. Isac Broun, Fol. 54, a. advocate, is subscribed at Sondaywell, 19th May, before Andro Tagart, "my servand," and Johnne Kirko, the surety's son,—Johnne Mekill, notary, being the writer of the obligation.

Edinburgh, 27th May. Robert and Andrew Adam.

David Wilsoun, notary public and burgess of Forfar, for Robert Adame in Braid of Auld of Balgrayis, and Andro Adame, his son, there, £100 each, not to harm Johnne West in Wester Balgayis. The band, registered by Mr. Thomas Wilsoun, advocate, is subscribed at Forfar, 26th May, before Arthure Erskyne of Burnesyd, Mr. Johnne Durie, minister at Forfar, David Nevoy, David Strang and Alexander Strang, burgesses there, Andro Fol. 54, b. Huntar, bailie of the said burgh, and David Wilsoun, notary public, burgess there and writer hereof.

Edinburgh, 31st May. John West.

David Gardin of Cotmure for Johnne West in Wester Balgayes, £100, not to harm Robert Adame in Balgayis. The band, registered by Mr. George Wauchop, advocate, is subscribed at Brechine, 29th May, before Gilbert Auchterlony of Blakdykis, Alexander Guthrie in Hiltoun, Robert Stratoun in Deanestrayth, Johnne Symmer, younger of Brachinurche, Williame Ramsay, clerk of Brechine,—George Wrycht, notary, writer hereof, subscribing for the surety and principal.

Menzies of that Ilk.

James Campbell, fiar of Laweris, and Duncane Meinzeis of Enoch, for Alexander Meinzeis of that Ilk, 2000 merks, not to harm James Crychtoun of Ruthvenis. The band, registered by Mr. Olipher Colt, advocate, is subscribed at Weme, 18th May, before Johne Meinzeis, parson of Weme, James Meinzeis and Alexander Meinzeis, servitors to the said principal, and Johne Meinzeis, notary. Acta Cant. 1601–1605. Fol. 55, a.

Edinburgh, 2nd June. Gilbert Thornton.

Johnne Kynnynmonth of Wester Mathie for Gilbert Thornetoun, apparent of that Ilk, £1000, not to harm Johnne Mylne, burgess of Dundie. The band, registered by Mr. Patrik Forrest, advocate, is subscribed at Thornetoun, 29th May, before Alexander Nevey, George and Robert Strathauchine, Williame Fuird, and Abrahame Piggot, younger, writer hereof. Fol. 55, b.

Lawson.

Gilbert Auchinlect of that Ilk for Alexander Lawsone in the Broymewall of Auchinlect, dwelling within the shire of Forfair, 500 merks, not to harm Johnne Mylne, merchant, burgess of Dundie. The band, registered as above, is subscribed at Brechin, 27th May, before Petir Rolland, burgess of Dundie, Robert Durhame in Feildstanne, Johnne Fentoun in Gellay, and Johnne Lyoun, servitor to Johnne Ramsay, commissary of Brechine,—the writer of the obligation being Johnne Watsoun, notary public. Fol. 56, a.

David Fyfe and John Lawson.

Arthour Erskene of Burnesyde for David Fyff and Johnne Lawsoun in Easter Doid, 500 merks each, to the effect abovewritten. The band, registered as above, is subscribed at Forfair, 26th May, before Hary Rynd, son of William Rynd of Cars, William Rynd, son of the late Richard Rynd in Fannow, James Bad, servitor to the said Arthoure, and David Wilsoun, notary, writer hereof, who subscribes for the surety and principals. Fol. 56, b.

Edinburgh, 3rd June. John Hannay of Kirkdale.

Alexander Ahannay of Sorbie for Johnne Ahannay of Kirkdaill, £3000, not to harm George Murray of Brochtoun, conform to the charge given to him by James Creichtoun, messenger, by virtue of letters dated at Edinburgh, 20th February 1602. The band, registered by Cornelius Tennent, advocate, is subscribed at Sorbie, 26th May, before Michaell Cochroun and Johnne Hannay, bailies of Wigtoun, Johnne Dumbar, servant to the said Michaell, and Andro Ahannay, son of Hew Ahannay in Grennan,—the writer of the body of the obligation being James Chalmer, notary public, commissary clerk of Wigtoun. Fol. 57, a.

Hannay of Sorbie.

Johnne Ahannay of Kirkdaill for Alexander Ahannay of Sorbie, £3000, to the effect foresaid. The band is registered, dated, subscribed, and witnessed as above. Fol. 57, b.

The Earl of Cassillis.

Sir Johne Vaus of Barnebarroch for Johne, Earl of Cassillis, 5000 merks, not to harm Johne Mure of Auchindrane. The band, registered by Mr. Alexander King, advocate, is subscribed at Mayboill, 30th May, before Gilbert Ros, Hew Kennedy of Garrihorne, and David Girvane, servitor to the said Earl, writer hereof. Fol. 58, a.

Edinburgh, 4th June. James Gibson.

James Gibsoun, son of James Gibsoun in Glenfracoch, and Cuthbert Huntar of Clanway, merchant, burgess of Edinburgh, for the said James

Acta Caut. 1601–1605. Gibsoun in Glenfracoch, £100, to answer upon 12th instant to a complaint made against him by Symound Purdie, messenger, and Robert Phillop, his procurator, touching the reiving of a horse from the said Symound, of which the said James promised to cause restitution to be made to the said Symound.

Fol. 58, b. Archibauld Stewart of Wig for Alexander Cuninghame of Powtoun, £3000, not to harm George Murray of Brochtoun, conform to the charge given to him by James Creichtoun, messenger. The band, registered by Mr. Robert Lyntoun, advocate, is subscribed upon 31st May before Johnne Ahannay of Kirkdaill, Mr. James Adamesoun, minister at Pennyghame, Michaell Cochrane, sheriff clerk of Wigtoun, and Johnne Dumbar, writer hereof. Alexander Cunningham.

Acta Caut. 1591–1616. Fol. 12, b. Pitcairne of Pitlourre for James Elphingstoun of Innerdevat, £100, to buy a stand of horseman's armour from Sir Michaell Balfour of Birley. Falkland, 5th June. James Elphinston.

Acta Caut. 1601–1605. Fol. 59, a. David Muschet, portioner of Murdochstoun, for James Norie, younger of Easter Boquhopple, 1000 merks, not to harm Jeillis Grahame, relict of James Archibald, burgess of Striviling, conform to the letters dated at Edinburgh 3rd June last. The band, registered by James Stirling, advocate, is subscribed at Orchardheid, 6th June, before James Dog of Garcaber, Walter Grahame, fiar of Meikilwode, and Alexander Porter, notary, writer hereof. Edinburgh, 7th June. James Norrie.

Fol. 59, b. Kenneth M°Kenzie of Borradaill and Kenneth M°Kenzie of Kilchreist for Rorie M°Kenzie of Ardafailyie, 5000 merks, not to harm Duncane Bane of Tulloch. The band, registered by Mr. Lowrence M°Gill, advocate, is subscribed at the Chanonry of Ros, 25th May, before Robert Grahame, archdeacon of Ros, Alexander M°Kenzie in Cullicudin, Johnne M°Kenzie of Quhitruiff, and James Logie, writer of the premisses. Edinburgh, 8th June. Rorie Mac-Kenzie.

Fol. 60, a. George Moncreiff of Mairsland for Coline Campbell, tacksman of the teindsheaves of Abirdagy, to pay to the Treasurer the sum of £100 for his escheat, having been put to the horn at the instance of Petir, Bishop of Dunkeld, for non-payment to him of the sum of £40 for his part of the taxation of 100,000 merks. The letters of horning being suspended to 30th instant, the said Bishop, Treasurer, and Advocate, are ordained to be summoned to 20th instant. Colin Campbell.

William Porterfeild of that Ilk for James Cunynghame, fiar of Glengarnok, 3000 merks, not to harm Sir Patrik Houstoun of that Ilk, Johnne Houstoun, his son and apparent heir, Patrik and Mr. Petir Houstonis, also his sons, Patrik Houstoun, his son natural, Williame Craufurd, younger of Auchinnames, and William Craufurd, his servant. Edinburgh, 10th June. Cunningham of Glengarnock.

Fol. 60, b. David Falconer of Balnamoyne for Johnne Thornetoun of that Ilk, £1000, and for James Thornetoun, his son, 500 merks, not to harm Johne Mylne, merchant, burgess of Dundie. The band, subscribed by Mr. Thomas Gray, advocate, is subscribed at Glas, 7th June, before James Drummond of Rychtkipe, Johnne Philp in Glamis, Charlis Thornetoun, son of the said Johne, and Abrahame Pigot, notary, writer hereof. John and James Thornton.

James Drummound of Rychtkype for Alexander Thornetoun and Charlis

Alexander and Charles Thornton.

Thornetoun, son of Johnne Thornetoun of that Ilk, 500 merks each, to the effect abovewritten. The band, registered as above, is subscribed at Glamis, 7th June, before David Falconer of Balnamune, Johnne Philp in Glamis, and Abrahame Pigot, notary and writer hereof, who subscribes for the said Alexander and Charlis Thornetonis. Acta Caut. 1601–1605. Fol. 61, a.

Falkland, 10th June. John Strachan and Agnes Erskin.

David Baldavy, tiar of that Ilk, for Johnne Strauchane of Balhoussy, and Agnes Erskin, his spouse, £1000, not to harm Alexander Falcouner of Halkertoun. Acta Caut. 1591–1616. Fol. 12, b.

Andrew Gray and his sons.

Patrik, Master of Gray, for Andro Gray, Andro and Williame, his sons, 400 merks each, not to harm Sir James Scrymgeour, constable of Dundie. Robert Hammiltoun, advocate, registers the band, subscribed at Huntlie, 9th June, before Robert Gray, George Gray, and William Stewin, "my servandis." Fol. 13, a.

Edinburgh, 12th June. James Gordon, younger of Lesmore.

Adame Gordoun, eldest son and apparent heir of George Gordoun, sometime of Creichie and now of Straloche, for James Gordoun, younger of Leismoir, £1000, not to harm Cristeane Watsoun and Andro Tailyeour in Grenemyre. The band, registered by Mr. Lowrence M^cGill, advocate, is subscribed at Aberdene, 9th June, before Mr. Robert Paip, advocate, Alexander Burnet, burgess there, Johne Rutherfurd, servitor to Alexander Gordoun of Leismoir, and Mr. William Chalmer, notary in Aberdene, writer hereof. Acta Caut. 1601–1605. Fol. 61, a. Fol. 61, b.

Gordons of Lesmore, elder and younger.

The said Adame Gordoun for Alexander Gordoun of Leismoir, £2000, and for James Gordoun, his son and apparent heir, 2000 merks, not to harm my lord Marquis of Huntley's tenants or servants, in their bodies, lands, forests and woods, *e.g.*, in the forests of Morvene and Cultblene, or in the lands of Scurdarg. The band is registered, dated, witnessed, and subscribed as above. Fol. 62, a.

Edinburgh, 13th June. Daniel Lyell.

Robert Lyell, burgess of Aberbrothok, for Daniell Lyell, burgess there, 500 merks, not to harm James Schakart, burgess there, and David Schakart, his son, in their bodies, goods, boats, or crears. The band, registered by Mr. Henry Balfour, advocate, is subscribed at Aberbrothok, 12th June, before Mr. Johnne Granger, Alexander Peirsoun, Johnne Aikman, Robert Peirsoun, burgesses of Aberbrothok. Fol. 62, b.

Edinburgh, 16th June. John Affleck.

George Afflek of Balmanno for Johne Afflek, burgess of Edinburgh, 500 merks, to answer when charged for his "allegit rungeing and clippeng" of six pound pieces.

John Ainslie.

James Anislie, merchant, burgess of Edinburgh, for Johnne Anislie, servitor to Alexander Freir, writer, 500 merks, to the same effect.

Edinburgh, 18th June. Thomas Telfer.

Alexander Tailyefer, merchant, burgess of Edinburgh, for Thomas Tailyefer, burgess there, 500 merks, also to the same effect.

Edinburgh, 21st June. John Gemmil.

George Campbell of Gelt for Johnne Gemmell, son of Patrik Gemmell in Garobie, 100 merks, not to harm Johnne Gemmell, notary in Cumnok. Fol. 63, a.

Harry Stewart.

Harie Stewart of Craigiehall becomes bound to keep skaithless Johnne Stewart of Ardmoleis, sheriff of Bute, in the said Johnne's act of surety for him in the assurance made by him to Johnne Dundas of Newlistoun, —which is ordained to remain to 1st June 1603.

Acta Caut. 1601-1605.

Mr. Johnne M°Keinzie, parson of Dingwell, for Robert Grahame, archdeacon of Ros, £1000, and for Johnne Dumbar of Windiegowlis, and feuar of Awach, 1000 merks, not to harm Mr. George Munro, chancellor of Ros, Mr. George Munro, his son, Donald Thornetoun, merchant in the Chanonry of Ros, Mr. James Lauder, minister at Sudie, or James Logie, servitor to Mr. George Moncreiff. Edinburgh, 22nd June. Robert Grahame and John Dumbar.

Fol. 63, b.

George Stirling of Ballagane for Mathow Colquhoun in Chapelland, and Agnes Dow, his spouse, 500 merks, not to harm James Fogo, elder, portioner of Row, James Fogo, younger, his son, Michaell Fogo, also his son, Robert Row, portioner thereof, Elizabeth Alshunder, or Archibald Alshunder, her spouse, for his interest. The band, registered by Mr. Henry Balfour, advocate, is subscribed at Stirling, 19th June, before James Dog of Ballingrew, James Wallace, notary in Stirling, and Harie Dow, notary, writer hereof. Matthew Colquhoun and Agnes Dow.

Fol. 64, a.

Mr. Patrik Forrest, advocate, for Robert Richardsoun, brother of James Richardsoun of Smetoun, 100 merks, to buy from Sir Michaell Balfoure of Burleygh, or James Lowrie, his depute, "ane corslet with heidpeice, vanbreceis and tesletis," in case it shall be found that he ought to do the same. Edinburgh, 25th June. Robert Richardson.

Gilbert Prymrois, chirurgeon, burgess of Edinburgh, for George Bruce, portioner of Golletis, 200 merks, to buy from Sir Micchaell Balfour of Burley three horsemen's stand of armour, conform to the Acts made thereupon, in case it shall be found that he ought to do the same. George Bruce.

Acta Caut. 1591-1616. Fol. 13, a.

Sir Thomas Stewart of Garnetullie for George Stewart of Arnetullie, elder, and Johne Stewart, fiar of Arnetullie, his son and apparent heir, 1000 merks each, and for Duncane, James, and Thomas Stewartis, also his sons, 400 merks each, not to harm Sir James Creichtoun of Ruthvenis. Perth, 25th June. George Stewart and others.

Fol. 13, b.

Johnne Spottiswode of that Ilk for Robert, Lord of Roxburgh, £2000, not to harm James Lethane in Ellesedden, Thomas Lethane, his brother, or Alexander Andersoun in the Newtoun. Perth, 26th June. Lord Roxburgh.

Johne Tyrie (tutor of Drumkilbo), father-brother of William Tyrie of Drumkilbo, as principal, and William Tyrie of Busbie, as surety, 2000 merks, not to harm Andro Quhithon in Lyoth, James Roger there, Sampsoun Ker in Auchterhouse, Andro Wat in Knowheid of Auchterhouse, William Watsoun in Kirktoun thereof, Thomas Ruthven there, James Man there, David Duncane in Eistfeild, James Mudy, David Spanky, Mr. Johne Douglas in Neway, James Tyrie there, David Tyrie there, Johnne Stewart, James Oistler, Johnne Donnaldsoun there, David Abircrumbie there. Perth, 28th June. John Tyrie.

Fol. 14, a.

Said Johnne Tyrie for the said Laird of Drumkilbo, 2000 merks, to the effect foresaid. William Tyrie.

Acta Caut. 1601-1605. Fol. 64, b.

Williame Dawsoun, portioner of Hemprigis, for George Dumbar of Auchinlesk, and Mr. James Dumbar, his son, 2000 merks each, to obey the King's letters, dated at Edinburgh 15th May last, forbidding them to intercommune with Alexander M°Rannald of Gargavache, Donald Glas M°Ranald, Ronald M°Rannald, his brother, Allaster M°Ane Edinburgh, 28th June. George Dunbar and Mr. James Dunbar.

M^cInnes, Johne, Angus, Donald and Ronald, his sons, Gorie M^cAllester M^cGorrie (M^c) Allester, his brother, Johne Dow M^cConeill M^cRannald, Allene and Angus, his brothers, Gillespik M^cAine V^cConnell, Williame and Angus, his brothers, Williame M^cConeill V^cGorrie, Gorrie and Angus, his brothers, Johnne M^cAine V^cFynlay Roy, and David (? Ewin) M^cFynlay, his son, Johnne Dow M^cConell V^cInnes, Johnne M^cInnes V^cCowchie, Paull M^cInnes V^cCouchie, his son, Farquhar Dow M^cConeill VicFarquhar, Allester Dow, his brother, Gilliechallum M^cFarquar, his son, Donald M^cInnes M^cGillespik M^cInnes, his brother, Donald Roy M^cAine V^cConell, Alexander M^cCany (M^cEane) V^c Sir James, Allester and Angus, his sons, Rory (Robert) M^cConnell V^cRorie (Robert), Allester (Angus) M^cRorie (V^cRoryis), his son, Johne Dow M^cConeill V^cNeill, Johne Dow M^cEane Dow, his son, Angus, Donald and Johnne (M^cAllaster V^c) M^cGillespik, Donald M^c Sir Philip (Gillespik), Johne M^cAgow V^cGown and William M^cAgo, his brother, Fynla M^cWilliam Roy (Rorie), Johne Ouir M^cConeill V^cInnes Weill, Angus Rioch M^cConeill V^cInnes, his brother, Angus M^cEan Doy V^cInnes Weill, Tarlach M^cAine, his brother, Dugall M^cRorie, Allester M^cDugall M^cRory, Johnne Oig (Dougall), his brother, Donald M^cInnes V^cConeill, Angus Gar M^cGlassich (Glassarich), Allester Roy M^cInnes V^cConeill, Johnne M^cGillandris V^cAyne, Donald M^cCowchie V^cConeill V^cInnes, Johne M^cConeill Vic Intagartene (Allaster M^cRorie V^cIntagart), Johne M^cFarquar Doy V^cAine Vane, Gillichallum M^cFarquhar Doy V^cEane Vane, Neill V^cGilliechallum V^cIndoy, Johnne M^cDugall V^cRorie, Donald M^cConeill V^cAine, Lauchlane M^cCobirliff (M^cTarlych), Duncane (Donald) M^cConeil V^cGorrie, Sorle Moir M^cGilliechallum, James M^cAgo V^cGowne, and William M^cAine Inche,—who have been denounced rebels for coming in fair day light to the lands of Moy, belonging to Johne Campbell, commissary of Inuernes, and treasonably burning of his buildings and corns, spuilying oxen and sheep with other plenishing within the said houses, burning and slaying James Buchane, James Buchane, his son, and Robert Andersoun, within their own houses, and spuilying of their goods. The band, registered by Mr. Thomas Craig, advocate, is subscribed at Alves, 21st June, before Johnne Oxstie in Halton, Alexander Andersoun in Wester Alves, James Dumbar in Easter Alves, Thomas Tailyeour, servant to Mr. James Dumbar, and James Spens of Alves Kirktoun, writer hereof,—Alexander Annand, notary public, subscribing for Dawsoun. Acta Caut. 1601–1605. Fol. 65 a. Fol. 65, b.

Edinburgh, 29th June. James Kinloch.

James Kinloch, merchant, burgess of Edinburgh, as principal, and Archibauld Kinloch, tailor, burgess there, as surety, 500 merks, not to harm George Pursell, messenger.

David Brodie of that Ilk.

James Dumbar, liferenter of part of Grange (in the Watersyd), for David Brody of that Ilk, £2000, not to reset Alexander M^cRannald of Gargavache, Donald Glas M^cRannald, Rannald M^cRannald, his brother, Allester M^cEan V^cInnes, Johnne, Angus, Donald, and Ronald, his sons, Gorrie M^cAllester V^cGorrie, Allester, his brother, Johnne Dow M^cConeill V^cRannald, Allane and Angus, his brothers, Gillespik M^cEan V^cConeill, Fol. 66, a.

Acta Caut. 1601–1605.

Williame and Angus, his brothers, and the other persons mentioned in the letters obtained by Johnne Campbell, commissary of Inuernes, of date 15th May 1602, during the time of their rebellion. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Forres, 22nd June 1602, before Alexander Dumbar of Thornehill, Nicoll Duff, burgess of Forres, Alexander Dumbar, son of the said James Dumbar, and Williame Forsyth, notary public, writer hereof.

Acta Caut. 1591–1616. Fol. 14, a.

David Futhie in Hogtoun for Johnne Mylne, burgess of Dundee, 500 merks, not to harm Gilbert Thornetoun of that Ilk, Johnne Lowsoun in Dod, Alexander Lowsoun in Affleck, or David Fyff in Auchlair. Perth, 29th June. John Milne.

Fol. 14, b.

Patrik Dumbar of Conzie for Mark Dumbar of Durris, £2000, and for Hew Falcouner of Innerlochtie and Mr. Samuell Falcouner of Ar, 2000 merks each; said Laird of Durris for the Laird of Conzie, £2000, and for Archibald Falcouner in Farrichtie and William Falcouner in Lethinbar, 2000 merks each,—not to reset or intercommune with Alexander M^{c}Ranald of Gargavach, Johne (Donald) Glace M^{c}Rannald, Rannald M^{c}Rannald, his brother, Allaster M^{c}Eane V^{c}Innes, Johne, Angus, Donald and Ronald, his sons, Gorie M^{c}Allaster V^{c}Gorie, Allaster, his brother, Johnne Dow M^{c}Conill V^{c}Ronald, Allane and Angus, his brothers, Gillespik M^{c}Eane V^{c}Conill, William and Angus, his brothers, William M^{c}Conill V^{c}Gorie (Gorie) and Angus, his brother, Johnne M^{c}Eane V^{c}Findlay Roy and Ewin M^{c}Findlay, his son, Johnne Dow M^{c}Conill V^{c}Innes, Johnne M^{c}Innes V^{c}Conchy, Paull M^{c}Innes V^{c}Conchy, his son, Farquhar Dow M^{c}Conill V^{c}Ferquhar, Allaster Dow, his brother, Gillichallum M^{c}Ferquhar, his son, Donald M^{c}Innes V^{c}Eane Doy, Gillespik M^{c}Innes, his brother, Donald Moir M^{c}Eane V^{c}Conill, Allaster M^{c}Eane V^{c} Sir James, Angus and Allaster, his sons, Robert M^{c}Conill V^{c}Robert, Allaster and Angus M^{c}Robertis, his sons, Johne Dow M^{c}Conill V^{c}Neill, Johnne Dow M^{c}Ean Doy, his son, Angus, Donald, and Johnne M^{c}Gillespikis, Donald M^{c}Sir Philop, Johnne M^{c}Ago V^{c}Gowne, Ewne M^{c}Ago, his brother, Finla M^{c}William Roy, Johne Owir M^{c}Conill V^{c}Innes Weill, Angus Reoch M^{c}Conill V^{c}Innes, his brother, Angus M^{c}Eane Doy V^{c}Innes Weill, Tarloch M^{c}Eane, his brother, Dougall M^{c}Rorie, Allaster M^{c}Dowgall M^{c}Rorie, and Johnne Oig, his brother, Donald M^{c}Innes V^{c}Conill, Angus Gar Maglassarich, Allaster Roy M^{c}Innes V^{c}Conill, Johnne M^{c}Gillandreis V^{c}Layne, Donald M^{c}Conchy M^{c}Conill V^{c}Innes, Johne M^{c}Conill M^{c}Intagart, Johne M^{c}Ferquhar Doy V^{c}Eane Vane, Neill M^{c}Gilchallum V^{c}Eane Doy, Johnne M^{c}Dowgall M^{c}Rorie, Donald M^{c}Conill V^{c}Eane, Lauchlane M^{c}Tarlich, Duncane M^{c}Coull V^{c}Gorie, Sorlie Moir M^{c}Gillichallum, James M^{c}Ago V^{c}Gowne, and William M^{c}Eane Inche, while they remain at the horn at the instance of Johnne Campbell, commissary of Inuernes, for their coming to the lands of Moy and burning his corns and houses there, and for the slaughter of James Buchane, Patrik Buchane, his son, and Robert Andersoun, his tenant. Perth, 30th June. Mark Dunbar and others.

ol. 15, a.

Alexander Murray of Wodend for James Haldane of Glennegyis, 2000 merks, not to harm Jeane Cunynghame, liferenter of the lands of Ruskie and Lanerk, or Thomas Kirkpatrik of Closburne, her spouse. James Halden.

Perth, 1st July. Alexander Dumbar and others.

Alexander Dumbar of Tarbet for Alexander Dumbar of Westfeild, sheriff of Murray, Robert Dumbar of Burgie, Mr. James Dumbar of Sanquhar, Nicolas Dumbar of Boigis, and Alexander Dumbar of Thornhill; Mark Dumbar of Durris for the said Laird of Tarbet; said Laird of Burgie for Mr. Thomas Dumbar, dean of Murray; said Laird of Durris for James Dumbar of Grangegrene, and Alexander Dumbar, his son there,—not to reset or intercommune with Allaster M°Ronald of Gagavach and his accomplices abovewritten, under the pains following: viz., the Lairds of Westfeild, Tarbet, Burgie, and Boigis, £2000 each, and every one of the others 2000 merks. Acta Caut. 1519–1616. Fol. 15, b.

Edinburgh, 2nd July. Robert Douglas.

Alexander Makmath, merchant, burgess of Edinburgh, for Robert Douglas of Cassogill, £1000, that, on being freed furth of the Castle of Edinburgh, wherein he is presently warded, he will remain in the burgh of Edinburgh till relieved by his Majesty. Acta Caut. 1601–1605. Fol. 66, b.

Edinburgh, 3rd July. William Dumbar.

Patrik Dumbar of Kilboyak for William Dumbar of Strutheris, 2000 merks, not to harm Robert Dumbar of Burgie, Mr. Thomas Dumbar, dean of Murray, Katherine Reid, liferentrix of the lands of Burgie, James Adamesoun, son of George Adamesoun of Brekie, or Alexander Adamesoun, son natural of Hew Adamesoun, burgess of Edinburgh.

Bailies of Brechin.

Andro Wischart of Muretoun for the bailies of the city of Brechin, to maintain and defend the burgesses and freemen of the baxter craft within the said city in the liberties of the said craft, special declaration being made by them in what point they are distressed by the said bailies, and the Lords of Privy Council finding that they ought to defend them therein. Mr. Thomas Ramsay, commissary clerk of Brechine, becomes bound to relieve the said surety. Fol. 67, a.

Edinburgh, 5th July. Dunbar of Moynes and Dunbar of Pennick.

Alexander Dumbar of Tarbet for Johnne Dumbar of Moynes and James Dumbar of Pennyk, either of them in £2000, not to reset or intercommune with Alexander M°Rannald of Gargavache and his accomplices foresaid (*ante*, p. 735), while they remain at the horn at the instance of Johnne Campbell, commissary of Invernes. Fol. 67, b.

Robert Dunbar and Mr. Thomas Dunbar.

Alexander Dumbar of Tarbert for Robert Dumbar, sub-chantor of Murray, and the said Robert for Mr. Thomas Dumbar, dean of Murray, either of them in £1000, not to harm William Dumbar of Hemprigis.

Robert Galbraith of Culcreuch.

Robert Galbraith of Culcreuch, as principal, and Johne Grhame of Knokdoleane, as surety, £1000, not to harm Johne Diksoun, Edward Litill, James Hagie, Johne Lowrie, James Dobie, James Purves, fleshers, burgesses of Edinburgh, David Hammiltoun, Johne Crawfurd, Thomas Davidsoun, George Henrysoun, Johne Doby, James Davidsoun, Nicoll Persoun, William Patersoun, Johne Robesoun, Johne Wauch, William Thomesoun, William Kennoch, Thomas Dobie, elder, Thomas Dobie, younger, fleshers there, Williame Allaster, James Sched, elder, James Sched, younger, Thomas Marchiestoun, James Donaldsoun, and Johne Schank, fleshers at Leith. Fol. 68, a.

Same.

Johnne Grahame of Knokdoliane for Robert Galbraith of Culcreuch £300, to pay to the Treasurer the sum of 300 merks for his escheat fallen

Acta Caut. 1601–1605.

into the King's hands through his having been put to the horn at the instance of Eduard Lytill and the other persons abovewritten for not finding caution for their indemnity,—in case it be found that the said Robert is orderly denounced rebel, and that he has any goods outside the regality of Lennox.

Fol. 68, b.

Robert Dumbar of Burgy for James Adamesoun, son of George Adamesoun of Bracho, £500, not to harm Williame Dumbar of Hemprigis. James Adamson.

Said James Adamesoun for Alexander Dumbar in Kilsleit, £500, to the same effect,—conform to the King's letters dated at Edinburgh 2nd June. Alexander Dunbar.

Fol. 69, a.

The band, registered by Mr. Johne Dempster, advocate, is subscribed at Burgie, 26th June, before Mr. James Dundas, chantor of Murray, Mr. Johnne Strettoun, minister at Forres, Alexander Dumbar of Boighoill, and William Forsyth, notary public, writer of the body hereof,—the said notary subscribing for the principal.

David Kynnynmonth of that Ilk for George Claeppone of Carslogie, 4000 merks, and for Arthour Clappone and Frances Orme, son of the late David Orme, either of them in 500 merks, not to harm Mr. James Mertene, provost of Sanct Salvator's college within the city of Sanct Androis. Edinburgh, 6th July. George Clappen and others.

Fol. 69, b.

Patrik Dumbar of Conzie for Alexander Dumbar of Boith, £2000, not to reset or intercommune with Alexander M'Ranald of Gargavache and his accomplices foresaid (*ante* p. 733), while they remain at the horn for their non-compearance to answer to a complaint made against them by Johnne Campbell, commissary of Invernes. Dunbar of Boath.

Robert Dumbar of Burgie for Johnne Lesly, servitor to Mr. Thomas Dumbar, dean of Murray, and Johnne Broun and Patrik Cruikschank in Burgie, 300 merks each, not to harm William Dumbar of Hemprigis. John Leslie and others.

Acta Caut. 591–1616. Fol. 15, b.

Walter Ogilvy of Ordnes for James Oistler in Neway, Johne Donaldsoun there, Johnne Stewart there, Mr. Johnne Dowglas there, James Tyrie there, David Tyrie there, William Smart there, David Smart there, William Vallentine there, James Flouris there, Johnne Stob there, and William Mair there, not to harm William Tyrie of Drumkilbo, under the pains in the letters raised against them. Mr. Robert Young, writer, registers the band, written by William Mortymer, servitor to Sir Waltir Ogilvy of Findlater, and subscribed at Dundie, 7th July, before James Lawtie, burgess of Cullen, William Ogilvy, servitor to the tutor of Cromerty, Sampsoun Ker in Burnheid of Auchterhouse, and the said writer hereof. St. Andrews, 8th July. James Ostler and others.

Fol. 16. a.

David Abircrumbie of Pittelpy for David Abircrumbie in Neway, £500, not to harm Williame Tyrie of Drumkilbo. St. Andrews, 9th July. David Abercromby.

Acta Caut. 1601–1605. Fol. 70, a.

Laurence Oliphant of Sirclaith for Peter Oliphant of Turingis, £1000, not to harm Johne Bellie in Badardie. The band, registered by Mr. Robert Mar, advocate, is subscribed at Turingis, 3rd July, before Peter Pitblado, servitor to the Laird of Strickmertene, James Reid, Johnne Oliphant of Heuchfeild, and Mr. Johne Spaulding, minister at Rescoby, writer hereof. Edinburgh, 9th July. Peter Oliphant of Turings.

Edinburgh, 13th July. Mr. John Hart. William Cunningham and others.

Johne Slowane, merchant, burgess of Edinburgh, for Mr. Johnne Hairt in the Cannogait, 1000 merks, not to harm David Duff in Leith. Acta Caut. 1601-1605. Fol. 70, b.

Hew Glen of Lyntallis for Williame Cuninghame of Kilmaris and Robert Cuninghame, his son there, either of them in £1000, and for Williame Rankene, smith there, 500 merks, not to harm Thomas Boll in Kilmaris or his men.

Archibald Falconer.

Andro Dumbar of Marcassie for Archibauld Falconer in Fornithie, 1000 merks, not to harm Mr. George Munro, chancellor of Ros, Donald Thornetoun in the Chanonry of Ros, James Logie there, servitor to Mr. Johne Moncreiff, Mr. James Lauder, minister at Sudie, and Mr. George Munro, son to the said Mr. George Munro. Fol. 71, a.

MacKenzie of Kilchrist.

Mr. Johnne Irving of Kynnok for Kenneth M°Keinzie of Killiechryst, £1000, to the effect abovewritten. The band, registered by Mr. Robert Lyntoun, advocate, is subscribed at the Chanonry of Ros, 24th June, before Rorie M°Keinzie of Ardafailyie, Kenneth M°Keinzie of Borradell, Robert Grant in the Chanonry of Ros, and Duncane Greirsoun, messenger, writer hereof. Fol. 71, b.

Edinburgh, 15th July. Mr. Alexander Irvine and son.

Mr. George Fraser, indweller in Edinburgh, for Mr. Alexander Irwine in Old Aberdene, 2000 merks, and for James Irwing, his son, 1000 merks, not to harm Thomas Fraser, portioner of the half lands of Frosterhill.

Edinburgh, 19th July. George Allardice.

Thomas Forrester of Strahenrie and George Mertine of Cardoun for George Allerdyce of Skeddowyo, 500 merks, that, on being released furth of the Castle of Blaknes, where he is at present in ward by command of the King and Council for certain "attemptis" committed by him against the burgh of Dysert, he will not harm the bailies, council or inhabitants of the said burgh. The band, registered by Mr. Robert Leirmonth, advocate, is subscribed at Strathenrie and Cardoun, 18th July, before Johnne Forrester, son of the said Thomas, Mr. James Mertine, son of the said James, Thomas Mertine, his brother, Andro Broun, notary, clerk of Kingorne, and Walter Duncane, servant to Broun and writer hereof. Fol. 72, a. Fol. 72, b.

John Mitchell and his brothers.

Anthoun Murray of Raith for Johnne Mitchell, portioner of Kinkell, and Donald and David Mitchellis, his brothers, not to harm Johne Murray of Tibbermouir, under the pains in the letters raised to that effect. The band, registered by Johnne Halyday, is subscribed at Raith, 18th July, before Williame Murray of Millerne, Thomas Donaldsoun, schoolmaster at Kinkell, Doir in Eisthill.

Edinburgh, 20th July. William Glasgow and others.

Johnne Wilkie in Warres, beside Crawmond, and Alexander Wilkie, writer in the West Port of Edinburgh, for Williame Glesgow, sometime in Grantoun, Jeane Fairlie, his spouse, and James Purves, their servant, £40 each, not to harm Mr. Johnne Russell of Wester Grantoun, advocate. Fol. 73, a.

Edinburgh, 21st July. John Martin.

Mr. James Martene, provost of the Old College of the city of St. Androis (Sanct Salvator's College), for Johnne Martene, burgess of the said city, to pay to the King's treasurer the sum of £40 for his escheat fallen into his Majesty's hands for non-payment of the sum of £5 of taxation for his lands of Dumbray to Ludovik, Duke of Lennox, for his relief of a part of the taxation of 100,000 merks, imposed upon the

Acta Caut. 1601–1605.

bishopric of St. Androis, in case it be found that his said escheat shall be at the King's gift and disposition.

Douglas of Cashogle.

Mr. James M^cNaucht of Dalpedder for Robert Dowglas of Caschogill, £1000, not to reset or intercommune with William Douglas, his eldest

Fol. 73, b.

son and apparent heir. Accordingly, the act whereby Alexander M^cMath, burgess of Edinburgh, became surety for the said Robert, to remain in Edinburgh till freed, is discharged.—Deleted by a warrant, subscribed by his Majesty and Treasurer, dated at Halirudhous 24th November 1602.

Acta Caut. 1591–1616. Fol. 16, b.

Archibald and George Kerr.

Sir Andro Ker of Greneheid for Archibald Ker, bailie and officer to Robert, Lord Roxburgh, of the town of Burdoun, and George Ker, his son, £1000, to underlie the law before the Justice for the slaughter of Mitchell Lichin in the Newtoun,—the said Lord becoming surety in relief.

Acta Caut. 1601–1605. Fol. 73, b.

Edinburgh, 22nd July. Patrick Dunbar and others.

Patrik Dumbar of Conzie, as principal, and George Dumbar of Balmure, as surety, 2000 merks, for Alexander Dumbar, said Patrik's son and apparent heir, 1000 merks, for Andro Dumbar in Mercassie, 500 merks, and for Johnne Burgie in Haltoun, 300 merks,—not to harm Robert Dumbar of Burgy, Mr. Thomas Dumbar, dean of Murray, Katherine Reid, liferenter of the lands of Burgie, James Adamesoun, son of George Adamesoun of Braco, and Alexander Adamesoun, son natural of Hew Adamesoun, burgess of Edinburgh.

Fol. 74, a.

John Campbell and others.

Eduard Mekiljohne, merchant, burgess of Edinburgh, for Johnne Campbell in Dolour, Williame Huttoun there, Johnne Dryisdaill there, and Johne Patoun in Hilfute, to pay to the Treasurer the sum of £20 each for their escheats, in case the same have fallen into his Majesty's hands by their denunciation to the horn at the instance of the Bishop of Dunkeld for non-payment to him of the sum of £16 for their parts of the late taxation of 100,000 merks.

Edinburgh, 23rd July. John M^cInkaird.

Robert Campbell of Glenfallache for Johne M^cInkaird, to answer before the King and Council at Perth upon 5th August next to a bill given in against him by Johnne Douglas in Logyalmonth, William Dow in Little Tullibeltane, and James Watt, under pain of payment of the said bill.

Robert Keir and William Dulso.

Gawin Dalzell, burgess of Perth, for Robert Kear and William Dulso, merchants, burgesses of Perth, either in 500 merks, to answer when required to such things as shall be laid to their charge touching "certane rungeit sex pund peceis quhairupoun they wer this day challengeit."

Fol. 74, b.

Edinburgh, 24th July. Thomas Younger and others.

George Bruce of Carnok for Thomas Younger in Kincairdin, Johne Cowie there, Peter Prymrois there, James Mitchell in Lurg, and Williame Aitkyne of Burvane, £20 each, to buy every one of them a stand of footmen's armour from Sir Michaell Balfour of Burley in case it shall be found that they ought to do so.

Hamilton of Blair.

Johnne Hammiltoun of Blair, as principal, and Johnne Drummond of Drumnerinoch, as surety, £1000, not to harm James Blacader of Langsyd.

Edinburgh, 27th July. Rose of Kilravock.

Patrik Dumbar of Traboyak, David Brodie of that Ilk, and Mark Dumbar of Duris, for Williame Ros of Kilraak, on being freed furth of his present ward in the Castle of Edinburgh, to enter again within the

said castle this present day, between six and seven hours at even, under the pain of £1000. Acta Caut. 1601–1605.

George Dunbar. Johnne Dumbar, fiar of Awach, for George Dumbar of Awach, his father, 300 merks, to present before the King and Council upon 4th November next Jonet Thorneton, daughter of Donald Thornetoun in the Chanonry of Ros, conform to the letters of horning directed against him. Fol. 75, a.

James Dunbar and others. Said Johnne Dumbar for James Dumbar of Little Sudy, Archibald Falconer in Fairmyln, Robert Gowane in Rosmerkie, and Robert Dumbar, son of George Dumbar of Awach, £100 each, to answer before the King and Council upon 4th November next to a complaint made against them by Mr. George Munro, chancellor of Ros, and said Donald Thornetoun, touching the breaking up of the doors of the said Chancellor's house, striking him and his son, taking Margaret Levingstoun, the Chancellor's spouse, "out of hir naikit bed," and "streking of hir," and wounding Alexander Gray, the chancellor's servant, and for the alleged ravishing of the said Jonet Thornetoun.

John Hamiltoun. Archibauld Chirnesyd in Edinburgh for Johnne Hammiltoun, brother of Patrik Hammiltoun of Sammuelstoun, to pay to the Treasurer the sum of £20 for his escheat fallen by the horning executed against him for not subscribing an assurance to Sir Williame Seytoun of Kyllismure.

Rory Mac-Kenzie. Rorie M^{c}Kenzie of Cultelloid (Cultalowd), as principal, and Williame Ros, apparent of Inuercharroun, as surety, 3000 merks, not to harm Mr. George Munro, chancellor of Ros, Donald Thornetoun, burgess of the Chanonry, Mr. George Munro, son of the said Chancellor, Mr. James Lauder, minister at Ludy, and James Logie, servitor to Mr. Johnne Moncreiff. Fol. 75, b.

Edinburgh, 28th July. David Watson and Alexander Phillip. David Watsoun, merchant, citizen of St. Androis, as principal, and Henry Arthure of the Newtoun, as surety, and Alexander Philp of the Byres of Balmerinoch, as principal, and the said Henry, as surety, either of them in £500, not to harm Donald Wod, skipper, citizen of St. Androis. Fol. 76, a.

Edinburgh, 29th July. Rose of Kilravock. James Dunlop of that Ilk, Mark Dumbar of Duris, and Mr. James Grant of Arneidly, for Williame Ros of Kilraak, £1000, that, on being freed furth of Edinburgh Castle, he will enter again in ward within the said castle this day by seven hours at even.

Edinburgh, 30th July. William Cairncross and Mr. Robert Home. Williame Cairncors of Colmislie and Mr. Robert Home of Carrelsyd, as principals, and Johnne Home of Coldenknowis, as surety, not to harm Margaret Home, relict of Robert Mitchelsoun in Blakhauch, George, Alexander, James, and Andro Mitchelsonis, his sons, Johnne Mitchelsoun, son of the late Johnne Mitchelsoun in Nether Lugait. Johnne Mitchelsoun in Currie, Johnne and James Mitchelsonis, his sons, under the following pains: viz., William Cairnecors, 3000 merks, and Mr. Robert Home, 2000 merks. Fol. 76, b.

James Cairncross and others. Williame Cairnecors of Colmislie for James Cairnecors, his son and apparent heir, 3000 merks, for Nicoll Cairnecors of Calfhill, 2000 merks, and for Johnne Cairnecors, brother of the said Williame, Robert

Acta Caut. 1601–1605. Fol. 77, a.

Cairnecors, brother of Nicoll, Johnne Cranstoun of Kirkhill, and George Cairnecors, servant to the said Williame, 1000 merks each, to the effect foresaid.

James Blacader of Langsyd, as principal, and James Forrester, tutor of Logie, surety, 500 merks, not to harm Johnne Hammiltoun of Blair. James Blackadder.

Williame Cairnecors of Colmislie for Charlis Cairnecors in Blinksneip, £1000, and for Nicoll Cairnecors and James Cairnecors, sons of Nicoll Cairnecors of Calfhill, and Robert, Johnne and Nicoll, brothers of the said Charlis, 1000 merks each, also to the effect foresaid. Nicoll Cairncross and others.

Fol. 77, b.

Alexander Gordoun of Straithdoun, as principal, and James Hammiltoun of Swinstie, as surety, 500 merks, to answer before the King and Council upon 25th November next to a complaint made against him by Umphra Smetoun in Logyalmound, touching his taking of the said Umphra by force and detaining of him till Umphra was constrained to give him a discharge of a decree obtained by Umphra against him. Edinburgh, 31st July. Alexander Gordon.

Fol. 78, a.

James Pringle of Gallowscheillis, as principal, and Andro Ker of Lyntoun, as surety, 1000, not to harm Williame Cairnecors, servitor to the Lord of Newbottle. James Pringle.

Hew Glen of Lyntillis for James, Earl of Glencairne, not to harm James Cuninghame, pensioner of Lesmahago, Jonet Wallace, his spouse, or Williame Porterfeild of that Ilk, under the pains in the letters directed thereanent. Earl of Glencairn.

Fol. 78, b.

Mr. George Munro, chancellor of Ros, as principal, and Andro Munro of Tinowar, as surety, £1000, and for Mr. George Munro, son of the said Chancellor, under the pain of , not to harm Rorie M^cKeinzie of Cultelloid, Kenneth M^cKeinzie of Killiechryst, and Johnne Dumbar, fiar of Awach. Edinburgh, 3rd August. Mr. George Munro and son.

Donald Thornetoun, merchant, burgess of the Chanonry of Ros, as principal, and Mr. Johnne M^cKeinzie, minister at , as surety, £1000, not to harm Rorie M^cKeinzie of Cultelloid, Kenneth M^cKeinzie of Killiechryst, or Johnne Dumbar of Awach. Thomas Donaldsoun, merchant, burgess of Dundie, becomes surety for the said Donald Thornetoun to the effect foresaid, under the same pain. Edinburgh, 4th August. Donald Thornton.

'ol. 79, a.

Mr. Thomas Dumbar, dean of Murray, for Robert Dumbar of Burgie, and James Adamesoun, son of George Adamesoun of Braco; and said Laird of Burgie for the said dean, Katherine Reid, liferenter of the lands of Burgie, and Alexander Adamesoun, son natural of Hew Adamesoun, burgess of Edinburgh,—not to harm Patrik Dumbar of Conzie, Alexander Dumbar, his eldest son, or Andro Dumbar in Mercassie, under the following pains: the said Mr. Thomas and Robert, either of them in 1000 merks, Katherine Reid, £500, and the others 300 merks each. Dunbar of Burgie and others.

cta Caut. 591 1616. ol. 16, b.

Sir James Creichtoun of Ruthvenis, as principal, and Johnne Campbell of Soutarhoussis, as surety, £1000, and said Sir James for Sir Johnne Creichtoun of Innernytie, £1000, for Silvester Chopman in Kinclaven, 500 merks, and for Johnne Schairp, servitor to the said Sir Johnne, James Burne in Knokschynnane, Patrik Burne there, William Young there, William Perth, 5th August. Sir James Crichton and others.

Kirk (? Cuik) there, Alexander Lamb there, Johnne Sowtar there, Johnne Straitoun there, James Tailliour there, James Foullartoun there, William Cuik, younger, at the mill of Innernytie, Andro Bait in Teucheithillokis, Johnne Young in the Murehoussis, William Robertsoun there, James Chairterhous there, Thomas Cors in the Brumehillis, Andro Bait there, Johne Burne there, Andro Foullartoun there, Alexander Schiphird in Kinclevin, Robert Schiphird there, Andro Dow there, David Watsoun there, Johne Erskin in Kirkhouse, Johnne Watsoun there, William Watsoun there, Johne Jak there, Stevin Gallaitlie there, Thomas Bait in the Wode, and Thomas Bait in the Nevis of the Gait, 400 merks each, not to harm George Stewart of Arnetullie, or Johnne Stewart, feuar of Arnetullie, his son. Acta Caut. 1591–1616.

Perth, 6th August. Sir James Crichton.

Stevin Currour, fiar of Logymeigle, for Sir James Creichtoun of Ruthvenis, £1000, not to reset or intercommune with Sir Johne Creichtoun of Innernytie during the time of his rebellion. Fol. 17, a.

Robert Robertson.

Johnne Robertsoun of Straloch and Duncane Robertsoun of Dulcable (Dulcabane) for Robert Robertsoun of Strowane, to pay by Martinmas next to James Broun in Arnetullie £32 for the price of two kye reft from him by said Robert's tenants in October 1597, to Robert Watsoun in Arnetullie £24 for a cow reft from him at the time foresaid, and to Robert Lamb in Arnetullie £20 for an ox reft from at the time foresaid: providing always that, if he pay to Broun £32, to Watsoun £16, and to Lamb £10, by Michaelmas next, he shall then be free from payment of the other sums abovewritten.

Perth, 7th August. William Ambrose and John Young.

Sir Thomas Sewart of Garnetullie for William Ambrois, portioner of Fongorth, and Johne Young, portioner there, 300 merks each, not to harm Hary Greg of the Hauch of Fongorth. Fol. 17, b.

Edinburgh, 7th August. James Weir and others.

Williame Hammiltoun, younger of Dalsarff, for James Weir of Balshaw, Agnes Lyndsay, Lady Belstane, and Alexander Levingstoun, son of the Laird of Belstane, 100 merks each, to "tak up againe the said James Weir his infant and bairne, buryit be thame within the kirk of Carluke," in case it be found by the Lords of Secret Council that they ought to do the same; also, to underlie such "censure and punischment" for any "offence or sklaundar" done by them to Mr. Williame Birny, minister and moderator, Mr. Robert Maxvell, minister at Carluke, and the other ministers of the presbytery of Lanark, "throw burying of the said bairne within the said kirk," as shall be "injoynit to thame be his Majestie and the saidis Lordis of Secreit Counsall." Acta Caut. 1601–1605. Fol. 79, b.

Alexander Cunningham.

Alexander Cunynghame of Powtoun, as principal, and Williame Flemyng of Craigdu, as surety, 200 merks, to answer before the King and Council upon 4th November next to a complaint made against him by Sir George Home of Spot, treasurer, and George Murray of Brochtoun, for bearing hagbuts and pistolets at sundry times, and for committing certain oppressions upon the said George.

Robert Doak and others.

Johnne Wallace, fiar of Dundonald, for Robert Dook in Louis Williame Dook there, and Johnne Dook, son of the said Robert, 300 Fol. 80, a.

Acta Caut. 1601–1605.

merks each, not to reset or intercommune with Hew Wallace in Boigsyd, alleged rebel and at the horn at the instance of Johnne Wallace in Louis for not finding caution and surety in the Books of Council for his indemnity under the pain of 1000 merks, and also at the instance of Mareoun Montgomerie, relict of Patrik Peblis, burgess of Irvine, for non-payment of the sum of 250 merks for the first term's payment of a sum of 500 merks. The band, which is registered by Mr. Alexander King, advocate, is subscribed at the Boigsyd in Kyle, 4th August, before these witnesses, William Scot, burgess of Irvine, Johne Wallace, burgess there, Johne Kennedy, his servant, and Thomas Gray, servant to said William,—William Montgomry, writer hereof, notary public, subscribing for the said principals.

Acta Caut. 1591–1616. Fol. 17, b.

William Bruce in Breidleis, as principal, and William Tyrie of Busbeis, as surety, 500 merks, not to harm Johnne Murray of Calsayend. Perth, 9th August. William Bruce.

Johnne Grahame of Balgowne, as principal, and Patrik Maxtoun of Cultoquhay, as surety, 2000 merks, not to harm Johnne Murray of Tippirmure. John Grahame.

Fol. 18, a.

Johnne Ros of Midlandis and Johnn Chalmer of Boig for Adame Hepburne of Bonhard, 1000 merks, that, on being freed furth of his present ward in the tolbooth of Perth, he will satisfy by 1st November next Mr. William Rynd, and Mr. Patrik Rynd, his son, as to a decree obtained by them before the steward of Huntingtour against him, at the sight of Sir Patrik Murray of Ganyis, or else enter himself again in the said ward upon 1st November. Adam Hepburne.

Alexander Stewart of Garleis, William M°Kie of Mertoun, William M°Kie of Killiquhirne, and Johnne M°Ky, fiar of Balsteir, for Alexander M°Ky of Balsteir, 10,000 merks, to answer when charged to any crimes that can be laid to his charge. Falkland, 10th August. Alexander Mackie.

Fol. 18, b.

Petir Oliphant of Turingis for William Auchterlony, elder of that Ilk, £1000, not to harm Alexander Auchterlony in Lennatrik, his brother. Mr. Robert Young, writer, registers the band; which is written by Mr. Thomas Glover and subscribed at , 10th August, before the said writer hereof, Johnne Wrycht (? Quhyt), servant to the said William Auchterlony, Waltir Troup, also his servant, Mark Storie, and James Reid. Falkland, 11th August. William Ochterlony.

Acta Caut. 1601 1605. Fol. 80, b.

Robert Puar (Power), burgess of Edinburgh, for Johnne Fullartoun of Dreghorne and James Muat of Busbie, either in 2000 merks, and for David Foullartoun, son of the late Johnne Foullartoun of Dreghorne, 1000 merks, not to harm Johnne Wallace in Tempeltoun. Edinburgh, 13th August. John Fullarton and others.

Thomas Boll in Kilmaris, as principal, and Johne Boyd, burgess of Kilmaris and skinner in Edinburgh, as surety, £500, not to harm Williame Cuninghame in Kilmaris, Robert Cuninghame, his son, or Williame Rankene, smith in Kilmaris. Thomas Boyle.

Fol. 81, a.

Thomas Baillie of Auchmulg for Andro Agnew, sheriff of Wigtoun, not to reset or intercommune with Alexander Ahannay of Sorbie, Johnne Ahannay, his son and apparent heir, Johne Ahannay of Kirkdaill, Alexander Cuninghame of Powtoun, Robert Ahannay in Boighous, Andro and Andrew Agnew, Sheriff of Wigtown.

Archibald Ahannayis, sons of the said Laird of Sorbie, George, Gilbert, Alexander and Johne Ahannayis, sons of Patrik Ahannay of Kilfillan, Quintene Mure of Auchneill, Adame Boyd, son of Robert Boyd of Larbrexis, Thomas and Symound Ahannayis, sons of Henry Ahannay in Crugletoun, Patrik Ahannay, son of Gilbert Ahannay in Crugletoun, Ninian Douglas in Culdurry, Johnne Ahanna in Inglistoun, Johnne Rogerstoun, Martene Cubiesoun, and Cubiesoun, his brother, servants to Alexander Cuninghame of Powtoun, Johnne M°Intour, servitor to Johne Ahannay, apparent of Sorbie, George Mure, Allane Mure, his son, James Hair, Johnne M°Mellan, Johne Edzer, and Johne M°Robert,—in case it be found by the Lords of Secret Council that he ought not to do the same,—under the pains in the letters thereanent. The band, registered by Mr. Laurence M°Gill, advocate, is subscribed at Edinburgh, 12th August, before Alexander Stewart of Clarie, Mr. Laurence M°Gill, advocate, and William Weir in Edinburgh, writer hereof.. Acta Caut. 1601-1605.

Falkland, 13th August. Sir John Murray.

Waltir Murray of Cassachie for Sir Johnne Murray of Tullibardin, to pay to Johnne Dow in Prestoun 1000 merks for the skaith sustained by the late Williame Dow, committed by Johnne Bell in the head of Muling, Andro M°Yok, servitor to the Baron of Muling, and Andro M°Anry, servitor to the said Sir Johnne; also, to make redress to Alexander Stewart for sixteen horses and mares, worth 20 merks each, stolen by Johnne Dow M°Gregour; farther, to pay to William Strageith the price of four kye reft from him by M°Krie in Glenmonochell: all in case it be found that he ought. Acta Caut. 1591-1616. Fol. 18, b. Fol. 19, a.

Gilbert Wade.

James M°Culloch of Drummorell for Gilbert Waid in Chylddarrach, 1000 merks, to answer upon 9th September next to a complaint against him by Johnne and Gilbert Wyleis in Barchrachane for hurting and wounding them.

Edinburgh, 16th August. Stewart of Arntillie and his sons.

Sir Thomas Stewart of Garnetullie for George Stewart of Erntullie, and Johnne Stewart, fiar of Ernetullie, 1000 merks each, and for Duncane, James, and Thomas Stewartis, his sons, 500 merks each, not to harm Sir Johnne Creychtoun of Innernytie, Silvester Chopman in Kinclavin, or Johne Schairp, servitor to the said Sir Johnne. The band, registered by Johnne Haliday, advocate, is subscribed at Perth, 14th August, before Andro Burt, Andro Grey, David Reid, servitors to said Sir Thomas, Duncane Stewart, brother of said Johnne Stewart, and William Merser, notary, writer hereof. Acta Caut. 1601-1605. Fol. 81, b.

John Stewart and others.

Johnne Stewart, fiar of Ernetullie, for Johnne Stewart in Ernetullie, Hew Kynneir there, William Eleis there, Robert Watsoun there, Andro and Thomas Youngis there, William Young there, Stewin there, James Browne there, Robert Lamb there, Alexander Archeir there, Archeir, his son, there, Archeir, son of the late Johnne Archeir there, Petir Lamb at the mill of Ernetullie, Stevin Miller there, Johnne Burne there, Layng there, Thomas Young there, Johnne Piter there, Johnne Kynd there, and Culle there, 300 merks each, not to harm the said Creichtoun, Chepman and Schairp. Fol. 82, a.

Acta Caut. 1601–1605.

The band, registered and dated as above, is witnessed by James Stewart of Glenis, Johnne Stewart, burgess of Perth, Duncane and James Stewartis, "my brether," and said Merser.

Fol. 82, b.

Mr. Andro Mylne, minister at Fetterresso, for Margaret Moncur, relict of Ros of Tullisnacht, to pay £20 to the Treasurer for her escheat within 40 days of the "downe siting of the Sessioun," or else to report to the Treasurer within the said time a nullity of the horning used against her at the instance of the late David, Bishop of Abirdene, for non-payment to him of the sum of £4 as for her part of the taxation of 200,000 merks. Edinburgh, 17th August. Margaret Moncur.

Acta Caut. 1591–1616. Fol. 25, a.

Andro Law, burgess of Falkland, for David Kilgour, burgess of Dysert, £500, to answer before the King and Council at Stirling, upon 24th instant, to a complaint against him by the Treasurer for the outputting and exchanging of certain foreign dollars,—David Moysie, notary, subscribing for Andro Law. Falkland, 17th August. David Kilgour.

Acta Caut. 1601–1605. Fol. 82, b.

Andro Halyburtoun in Blair, as principal, and Johnne Merser in Kinloch, as surety, *et vice versa*, and likewise the said Andro for Johnne Halyburtoun of Tamnomun, Williame Halyburtoun of the Mains of Mawis, and Gabriell Marser, burgess of Perth, 500 merks each, not to harm Williame Balnevis, minister at Lundors. Edinburgh, 20th August. Andrew Halburton and others.

Fol. 83, a.

James Sibbald of Rankelour for William Chrystie in Wester Merkinsche, 500 merks, not to harm George Law in Easter Merkinsche. The band, registered by Mr. Umphra Blinsele, advocate, is subscribed at Falkland, 26th August, before Patrik Scot in Barmanie, David Scot in Falkland, Stephane Patersoun, steward clerk of Fyff, and Johnne Nicoll, notary public in Falkland, writer hereof. Edinburgh, 27th August. William Chrystie.

Acta Caut. 1591–1616. Fol. 19, a.

James Hammiltoun in Blanter, Robert Hammiltoun in Eirnok, and Johnne Hammiltoun of Shatoun, for Hew Hammiltoun in Reidlawis, not to harm Mr. Andro Hammiltoun, son of Gawin Hammiltoun in Newlandis, under pain of £500; also, to answer when charged, under the pain of 300 merks, to the complaint made against him by the said Mr. Andro, —James Prymrois, Clerk of Council, subscribing for Robert Hammiltoun. Glasgow, 30th August. Hew Hamilton

Fol. 19, b.

Alexander Colhoun of Lus for Adam Colhoun in Hill, to be answerable at the instance of Petir Colhoun, son of the late Captain Hew Colhoun, as accords of law. Glasgow, 31st August. Adam Colquhoun.

James Crawfurd of Ferme, as principal, and Johnne Hammiltoun, bailie of Netherfeild, as surety, £500; Waltir Stewart, younger of Mynto, as principal, and the said James, as surety for him, 500 merks,—not to harm William Wedderope in Dalmarnok. James Crawford and Walter Stewart.

James Cunynghame, burgess of Irwing, for Hew Parker in Perstoun, 400 merks, not to harm Johnne Cunynghame of Cunynghameheid. Glasgow, 1st September Hew Parker.

Fol. 20, a.

George Huchesoun registers the band, written by Mr. David Barclay, and subscribed at Perstoun, 31st August, before William Barclay of Perstoun, Robert Barclay, his brother, Laurence Lin, reader in Perstoun, and Mr. Gawin Barclay.

William Barclay of Perstoun-Barclay for Robert Barclay, his brother, Robert Barclay and others.

£500, and for Johnne Dikie in Holmeburne, Adie Rutherfurde in Teburne, and James Cunynghame in Perstoun, 400 merks each, to the effect foresaid. George Huchesoun registers the band, written by Alexander Mitchell, notary, and subscribed at Irwing, 31st August, before Niniane Barclay, provost of Irwing, Lowrence Lyn, reader at Perstoun, and Mr. Gawin Barclay,—the said notary subscribing for John Dikie and Edie Rutherfurd. Acta Caut. 1591–1616. Fol. 20, b.

Mr. Gavin Barclay.

Williame Barclay of Perstoun-Barclay for Mr. Gavin Barclay, his brother, £500, also to the effect foresaid,—the band registered, written, and dated as above, and witnessed by the said provost, Robert Barclay, "my brother," Alexander Mitchell, Johnne Dikie, James Cunynghame, and Lowrence Lyn. Fol. 21, a.

Edinburgh, 3rd Sept. James Moutray.

Henry Wardlaw, burgess of Edinburgh, for James Multray in the Lochend, to buy from Sir Mitchell Balfour of Balquharvie a stand of footmen's arms, in case it be found that he ought to do so after the discussion of the reasons of suspension raised thereanent. Acta Caut. 1601–1605. Fol. 83, a.

Edinburgh, 6th Sept. Harry Greig and others.

Harie Creichtoun of Over Banchellis for Hary Greg of the Hauch of Fongorth and Thomas Wallandie of Drumbuy, either of them in 500 merks, and for Johne, Andro and David, sons of said Hary Greg, 300 merks each, not to harm Williame Ambros, portioner of Fongarth, Johnne Young there, Thomas Stewart of Dowalie, portioner there, James Robertsoun *alias* Tailyeour there, or Alexander Scot. Fol. 83, b.

Falkland, 8th Sept. Sir John Crichton and others.

Johnne Petscottie of Lancardy for Sir Johnne Creichtoun of Innernytie, £1000, Silvester Chaipman, 500 merks, and their colleagues foresaid (*ante*, p. 741), in £100 each,—with the addition of David Wilsoun in the Mure, William Meik in Kirkhoussis, and William Home at the Mill of Kinclevin, but the exclusion of Johnne Schairp, James Burne, Thomas Cors, Andro Bait, Johne Burne, Andro Foullartoun, and Alexander Schiphird,—not to harm Hew Kynneir in Arnetullie or Johnne Stewart there. Mr. Robert Young, writer, registers the band, written by Alexander Robertsoun, notary in Perth, and subscribed at Perth, 7th September, before David Jaksoun, burgess there, James Jaksoun, his son, William Thomesoun, servitor to the said Sir Johnne, said Alexander Robertsoun, and Johnne Davidsoun, writer in Perth. Acta Caut. 1591–1616. Fol. 21, a.

Edinburgh, 9th Sept. Edward Crichton.

James Creichtoun, fiar of Crawfurdstoun, for Edward Creichtoun of Peiltoun, 1000 merks, not to harm William Grahame, servant to the Goodman of Dalskairth. Acta Caut. 1601–1605. Fol. 83, b.

Robert Adamson.

James Adamesoun, baxter, burgess of Edinburgh, for Robert Adamesoun, son of the late Robert Adamesoun in Listounscheillis, £100, to answer before the King and Council upon 4th November next to a complaint made against him by Alesoun Edmestoun, relict of Archibald Edmestoun of Wolmet, for resetting in his house of Listounscheillis, in April 1600, Gavin Lyndsay, and others, his accomplices, "quha wer the allegeit raviseris of the said Alesoun" the time foresaid, and for the alleged accompanying of them the following day in carrying her bound on horseback to "ane hilheid" and "leving of hir thair"; also, to pay to the Fol. 84, a.

Acta Caut. 1601–1605. Treasurer £40 for his escheat in case the same pertains to his Highness or he has any goods outwith the regality of Torphichane.

Thomas Hude in Crawmonth for Waltir Robertsoun in Crawmonth, 200 merks, not to harm Sir James Elphingstoun of Barnetoun. Edinburgh, 13th Sept. Walter Robertson.

Fol. 84, b. James Stewart of Portyarrak for Alexander Stewart of Gairleis, £500, not to reset or intercommnne with Thomas Kennedy of Drummurchy, Walter Mure of Cloncard, Williame Irvine, Thomas M°Alexander, Thomas Wallace, and Alexander (? Gilbert) Ramsay, who are denounced rebels for the slaughter of Sir Thomas Kennedy of Culzeane, during the time of their rebellion. The band, registered by Cornelius Tennent, advocate, is subscribed at Air, 9th September, before Gavin Dumbar of Baldone, Alexander Stewart of Clary, George Dumbar, brother of the Laird of Enterkin, and Johnne Turner, notary, writer hereof. Stewart of Garlies.

Acta Caut. 1591–1616. Fol. 21, b. James Ogilvy of Balfoure, Henry Guthrie, burgess of Dundie, and Mr. David Guthrie, chamberlain of Arbroith, for George Guthrie, brother of the said Henry, now in ward in the tolbooth of Dundie, to answer when charged touching the death of Agnes Broun, hs spouse, under the pain of 1000 merks. Dundee, 14th Sept George Guthrie.

Acta Caut. 1601–1605. Fol. 85, a. Williame Dumbar of Entirkin and Williame Stewart, fiar of Halrig, for Johnne Dalrumpell of Stair and Eduard Mure of Park, 300 merks each, not to reset Thomas Kennedy and his accomplices abovewritten. The band, registered by Mr. Umphra Blinscheile, advocate, is subscribed at the kirk of Torboltoun, 14th September, before Johne Mure of Spittellsyd, Martene Mure of Middletoun, Williame Mure, fiar thereof, and Johnne Andersoun, notary, writer hereof. Edinburgh, 14th Sept. Dalrymple of Stair and Edward Mure.

Thomas Lumisdene, merchant, burgess of Edinburgh, for Clement Cor, merchant, citizen in St. Androis, 400 merks, not to harm Petir Houstoun, brother of the Laird of Houstoun. Edinburgh, 16th Sept. Clement Cor.

Fol. 85, b. Adame Stewart, burgess of Air, for James Mitchell, sometime treasurer and burgess there, and Johnne Osburne and Allane Osburne, also burgesses, there, 300 merks each, not to intercommune with Thomas Kennedy of Drummurchie, Walter Mure of Cloncard, Williame Irvine, Thomas M°Alexander, Thomas Wallace, and Gilbert Ramsay, put to the horn for the slaughter of Sir Thomas Kennedy of Culyean, during the time of their rebellion,—conform to the King's letters directed at the instance of dame Elizabeth M°Gill, as relict, and of the bairns of the late Fol. 86, a. Sir Thomas. The band, registered by Mr. Johne Schairp, advocate, is subscribed at Air, 13th September, before George Jamesoun, burgess of Air, Johne Masoun, clerk of Air, and George Masoun, his son, writer hereof. James Mitchell and others.

George Jamiesoun, burgess of Air, for Robert Jamesoun, burgess there, *et vice versa*, 300 merks each, to the effect foresaid. The band, registered, subscribed, and dated as above, is witnessed by Adame Stewart and James Fol. 86, b. Mitchell, burgesses of Air, and said Johne and George Masonis. George and Robert Jamieson.

Duncane M°Adame, burgess of Air, for James Blair, burgess there, 300 merks, also to the effect foresaid. The band, registered, dated, and sub- James Blair.

scribed as above, is witnessed by David Bannatyne and Johne Blair, burgesses of Air, and Johne Gairdner, notary public,—Andro Johnestoun, writer in Air, being the writer hereof. Acta Caut. 1601-1605.

John Blair and James Mitchell. Johnne Blair for James Mitchell, both merchants and burgesses of Air, *et vice versa*, 300 merks each, also to the effect foresaid. The band, registered, subscribed, and dated as above, is witnessed by George Jamesoun, and Adame Stewart, burgesses of Air, and George Masoun, writer hereof,—Johne Masoun, notary public, subscribing for James Mitchell. Fol. 87, a.

Patrick Cran and others. Niniane Barclay, provost of burgh of Irvine, for Patrik Tran William, Mure, Thomas Cumming, and Johne Mure, merchants, burgesses of Irvine 300 merks each, also to the effect foresaid. The band, registered by Mr. Johnne M^cGill, advocate, is subscribed at Irvine, 14th September, before Hew Girven, court clerk of Irvine and writer hereof, Gilbert Girven, his servitor, Johne Peblis of Brumlandis,—Hew Girven, notary public, subscribing for the persons unable to write. Fol. 87, b.

Alexander Montgomery and others. Johnne Peblis of Brumlandis for Alexander Montgomry, merchant, burgess of Irvine, Mareoun Montgomry, relict of Patrik Peblis, burgess of Irvine, and Johnne Mitchell in Ardrossane, 300 merks each, also to the effect foresaid. The band, registered and dated as above, is witnessed by Niniane Barclay, provost of Irvine, Patrik Tran, burgess there, and Laurence Scot, writer in Edinburgh,—Gilbert Girven, being the writer of the obligation. Fol. 88

Hew and Hew Montgomery. Williame Kyle, merchant, burgess of Irvine, for Hew Montgomrie of Smeithstoun and Hew Montgomery, brother of the Laird of Hesilheid, 300 merks, also to the same effect. The band, registered and dated as above, is witnessed by Johnne Nevin, younger of Kirkwod, James Howie, portioner of Block, and Johnne Hunter there. Fol. 88, b.

Ninian Barclay. Patrik Cran, late provost and burgess of Irvine, for Niniane Barclay, provost of the said burgh, 300 merks, also to the same effect. The band, registered and dated as above, is witnessed by Hew Gurvan, court clerk of Irvine, and Gilbert Girven, his servant, writer hereof. Fol. 89, a.

John Mure. Johnne Montgomry of Brigend for Johnne Mure, cook, burgess of Irvine, 300 merks, also to the same effect. The band, registered and dated as above, is witnessed by Hew Montgomry, brother of Robert Montgomry of Hasilheid, Thomas Boyd, burgess of Irvine, and Johne Peblis of Brumlandis,—the said Hew Girven subscribing for Johnne Montgomery and Johnne Mure. Fol. 89, b.

John Murray of Calsayend. Hary Murray of the Corshill of Cambusbarroun for Johne Murray of Calsayend, 1000 merks, not to harm William Bruce of the Mylnetoun of Gorthie, or Patrik Bruce, his son. The band, registered by Mr. Johnne Johnestoun, advocate, is subscribed at Stirling 14th September, before Walter Neische of Wester Dubheidis, Johnne Forrester of Little Donoven, Mr. Duncane Forrester, his brother, William Hude, notary, James Alexander, tutor of Menstrie,—the writer of the obligation being Alexander Barclay, servitor to Johnne Williamsoun, sheriff and town clerk of Stirling. Fol. 90, a.

Acta Caut. 1601-1605.

James Leirmounth of Dairsie, Thomas Wod, brother of Alexander Wod of Lamlethame, and Williame Leirmonth, elder, citizen in St. Androis, for Duncane Balfour, David Watsoun, Alexander Winchester, William Muffait, Mr. David Auchmowty, Stevan Philp, James Leache, Andro Watsoun, Johnne Ramsay, George Pryid, Thomas Diksoun, Walter Gibsoun, Williame Gibsoun, George Meffett, merchant, Johne Adie, Alexander Rid, Andro Adiesoun, James Lawsoun, Andro Diksoun, Johnne Couper, Johne Greg, Johne Mair, Johnne Myllis, Clement Cor, Andro Leipar, Thomas Lumisdene, David Guidlaid, 400 merks each, not to harm Mr. Peter Houstoun, brother of the Laird of Houstoun. The band, registered by Mr. Alexander Cumming, advocate, is subscribed at St. Androis, 14th September, before Mr. George Glaidstanis, minister at St. Androis, Mr. David Lyndsay, minister, Mr. Robert Yule, vicar there, and James Jak, notary public,—the body of the obligation being written by Johne Jak, notary public in St. Androis. Duncan Balfour and others. Fol. 90, b.

Patrik Hammiltoun of Bordland for George Crawfurd, younger of Lefnories, 300 merks, not to intercommune with Thomas Kennedy of Drummurchy and his accomplices foresaid (*ante*, p. 747), during the time of their rebellion. The band, registered by Mr. Nathaniell Uduart, advocate, is subscribed at Cumnok, 14th September, before Patrik Hammiltoun of Blakwod, Robert Coluill (Colvene) in Lefnessok, Hew Crawfurd, brother natural of William Crawfurd of Lefnories, and Robert Lokhart, notary, writer of the body hereof. Crawford, younger of Lefnories. Fol. 91, a.

Williame Cuninghame of Polquhairne for Hew Crawfurd of Balquharrie, 300 merks, to the same effect,—conform to the charge given by Robert Reid, messenger. The band, registered as above, is subscribed at Polquhairne, 11th September, before Robert Colvill in Lefnessak, Johnne Ahannay in Barquhassan, James Gibsoun, notary in Auchlene, writer hereof, William Cuninghame, servitor to the said William Cuninghame of Polquharne,—the said Gibsoun subscribing for the Laird of Polquharne. Hew Crawford. Fol. 91, b.

George Douglas of Pennyland (Watersyd) for Robert Stewart in Derntaggart, 300 merks, also to the same effect. The band, registered as above, is subscribed at Uchiltrie, 12th September, before Robert Key in Uchiltry, David Campbell in Auchlin, James Gibsoun, younger, there, and James Gibsoun, notary, writer hereof. Robert Stewart. Fol. 92, a.

Acta Caut. 1591-1616. Fol. 22, a.

Robert Tailyeour, citizen of Sanct Androis, for Agnes Dalgleish, relict of David Gudlet, citizen there; Alexander Winsister, citizen there, for William Ramsay, skipper there, and Johnne Carstairis, merchant there; Andro Ediesoun, merchant there, for Thomas Wischert, skipper there; Andro Watsoun, treasurer of the said city, for Robert Murray, maltman there; Waltir Gibsoun, cordiner, for David Vennesoun, flesher there; said Alexander Vinschister for Johnne Dowartis of Dewarismylne; William Moffett, citizen there, for Mr. George Meirnis, advocate; said Alexander Vinsister for Thomas Vennesoun of Kincaple; Johnne Carstairis, merchant, citizen there, for Johnne Carstairis, maltman; said Andro Ediesoun for Andro Schort, merchant there; Thomas Wode, brother of Alexander Falkland, 16th Sept. Agnes Dalgleish and others of the city of St. Andrews.

Wode of Lamblethame, for James Month, portioner of Strakynnes; said Andro Watsoun for William Barclay, merchant in the said city; said Andro Ediesoun for James Alexander, baxter there; said Williame Moffett for Robert Hendersoun, maltman there; James Lawsoun, maltman there, for David Dalgleische, maltman there, 400 merks each: not to harm Mr. Petir Houstoun, factor to Ludovick, Duke of Lennox,—James Prymrois, Clerk of Council, subscribing for Thomas Wode, Andro Adiesoun, Waltir Gibsoun, Johnne Carstairis, and James Lawsoun. Acta Cant. 1591–1616.

William Learmonth and others of St. Andrews.

Stevin Philp, citizen of Sanctandrois, for William Leirmonth, elder, citizen there; Johnne Carstairis, merchant there, for Alexander Carstairis, citizen there; Thomas Reikie for Thomas Lundie there; Thomas Wode, brother of Alexander Wode of Lambilethame, for Waltir Carstairis, maltman in Sanctandrois; William Moffet, citizen there, for David Millair, flesher there, and Johnne Inglis, flesher there; Duncane Balfoure, bailie there, for Thomas Dais, maltman there; Mr. David Methven, advocate in Sanctandrois, for Margaret Aytoun, his mother, there; Waltir Gibsoun, cordiner, for Johnne Smart, elder, and Johnne Smart, younger, there; Alexander Winsister, citizen there, for David Gilchryst there; Waltir Gibsoun, cordiner, for Marjorie Miller, his mother, there; said William Moffett for Johnne Walker, baxter there; said Stevin Philp for Thomas Craig, maltman there; said Waltir Gibsoun for Patrik Arthour, baxter there; said William Moffet for Agnes Weymes, his goodmother, Johnne Mortoun, miller, and Thomas Pitblado; Andro Adiesoun, merchant there, for Andro Fairfoull there; said Alexander Winsister for William Duncane there; Johnne Couper, maltman, for Marrable Coupair, his sister; said Thomas Wode for David Guidfollow and David Russell in Sanctandrois; Thomas Lumsdane, maltman there, for Katherene Lumsdane, widow there; said Stevin Philp for Johnne Bet, maltman there; said Alexander Winsister for Johnne Mair there; said Andro Ediesoun for Andro Ked, flesher there; Andro Diksoun, maltman there, for David Diksoun, his brother; said Stevin Philp for Andro Levingstoun, baxter there; James Leich, merchant, citizen there, for Waltir Todrig, messenger; said Alexander Winsister, for Johnne Guidlet, maltman there; said Andro Diksoun for Cristeane Guidlet, widow there; said William Moffet for Johnne Vennesoun, mealmaker there, David Mitchell, cadger there, and Robert Walker, baxter there; Thomas Reikie for Margaret Ferry, widow; said Andro Watsoun for Petir Rynd, maltman there; said Mr. David Methven for Johnne Graysych; said Petir Rynd for William Nicolsoun, maltman there; said James Leich for Robert Yuill, maltman there; said Waltir Gibsoun for Alexander Gray, flesher there; said Andro Watsoun for Alexander Rynd, maltman there; Thomas Lumsdane for Thomas Traill, maltman there; Johnne Cowper, maltman, for Andro Thomesoun, maltman there; said Andro Watsoun for Thomas Mair there; said James Lawsoun for Johnne Kenlowy there; said Alexander Winsister for James Saige there, and Andro Murray, litster there; Robert Tailyeour, merchant, for James Craighall, cadger there; said Alexander Winsister for Katherine Fol. 22, b. Fol. 23, a.

Acta Caut. 1591–1616.

Mairtene, relict of James Robertsoun; said Thomas Lumsdane for Johnne Fairfoull, tailor; said Petir Rynd for Johne Hegey, maltman there: not to harm Mr. Petir Houstoun, factor to Ludovik, Duke of Lennox, under the pains following,—viz., William Leirmonth, elder, Alexander [? and] Waltir Carstairis, George Lumsdane, and Johnne Fairfoull, 400 merks each, and every one of the rest 100 merks. James Prymrois, Clerk of Council, subscribes for those of them who cannot write.

Fol. 23, b.

Henry Stewart of Barskyming for Andro, Lord Stewart of Uchiltrie, 1000 merks, not to reset or intercommune with Thomas Kennedy of Drummurchy, Waltir Mure of Cloncaird, William Irwing, Thomas M^c^Alexander, Thomas Wallace, Alexander Ramsay, denounced rebels for the slaughter of Sir Thomas Kennedy of Colleane, conform to the charge given by Robert Reid, messenger. Robert Hammiltoun, advocate, registers the band, written by James Gibsoun, messenger, and subscribed at Uchiltrie, 12th September, before Hew Crawfurd of Balquharie, said writer hereof, George Crawfurde, younger of Leifnoreis, and David Bordland, messenger. Lord Ochiltree.

Fol. 24, a.

George Logane of that Ilk for James Stewart of Previk, William Stewart, brother of Andro, Lord Stewart of Uchiltrie, William Stewart, son of the late Sir William Stewart of Castilstairis, Andro Logane in Craignoche, Johnne Colvene and Hew Campbell, servitors to the said Lord, and Robert Colvene in Lefnessik, 300 merks each, in all 2100 merks, to the effect foresaid,—Hammiltoun, as above, registering the band, written by said Gibsoun and subscribed at Uchiltrie, 13th September, before George Crawfurd, younger of Leifnoreis, Robert Stewart in Dernetagart, Johnne Kay in Uchiltrie, and said writer hereof: the last subscribing for George Logane and for the principals. James Stewart and others.

Fol. 24, b.

William, Commendator of Pittinweme, for James Benestoun, brother of Mr. Thomas Benestoun in Pittinweyme, to answer before the King and Council upon 24th November next for his alleged forging of false money and out-putting of the same, under the pain of 300 merks. Falkland, 17th Sept. James Beneston.

James Leirmonth of Dairsie, Thomas Wode, brother of Alexander Wode of Lambelethame and William Leirmonth, elder, citizen of Sanctandrois, for Duncane Balfoure, Alexander Winchester, Mr. David Auchmowtie, David Watsoun, Clement Coor, Thomas Diksoun, Stephane Philp, William Moffat, George Meffen, Thomas Diksoun, Andro Diksoun, Johnne Cowper, James Lawsoun, Johne Greg, Andro Lepar, Thomas Lumsdane, James Leich, Andro Watsoun, George Pryd, Waltir Gibsoun, William Gibsoun, Johnne Adie, Andro Adiesoun, Johnne Myllis, Thomas Rekye,—not to harm Mr. Petir Howstoun, brother of the Laird of Houstoun, under the pain of 400 merks for each of the said tenants, in case the said pain be not modified by the Lords of Secret Council. Mr. David Methven registers the band, written by Alexander Blak in Sanctandrois, and subscribed there, 14th September, before Mr. George Glaidstanes and David Lindsay, ministers, and Mr. David Methven, all in Sanctandrois. Duncan Balfour and others.

Fol. 25, a.

Edinburgh, 18th Sept. Robert Mowbray

Hary Stewart of Craigiehall for Robert Mowbray of Brigend, 2000 merks, not to harm Sir James Elphingstoun of Barnetoun, or Alexander Skugall, his tenant. Acta Caut. 1601–1605. Fol. 92, a.

James Anderson.

James Andersoun, burgess of Elgyne, as principal, and James Petrie, merchant, burgess there, as surety, 500 merks, not to harm James, Earl of Murray, or Archibauld, Earl of Angus, Johnne, Earl of Mar, William, Earl of Mortoun, Symound, Lord Fraser of Lovit, Hary, Commendator of St. Colme's Inch, Sir Robert Creichtoun of Cluny, James Lindsay of Dowhill, and Mr. James Stewart, parson of Sawling, curators to the said Earl of Murray. Fol. 92, b.

Edinburgh, 19th Sept. William Stewart and Robert Wedderburn.

Sir James Scrymgeour of Dudope for William Stewart of Setoun, £500, and for Robert Wedderburne, burgess of Dundie, 300 merks, not to harm Thomas Stewart, burgess there, conform to the letters of date 13th instant raised by him,—which, they say, are "of meir malice and invy." The band, registered by Mr. Alexander Cummyng, advocate, is subscribed at Dundie, 16th September, in presence of my Lord of Fentounbarnis (John Preston), Mr. George Young, archdeacon of St. Androis,—Robert Wedderburne, notary, being the writer of the obligation. Fol. 93, a.

Mariners and skippers of the "Mercurius."

Johnne Seytoun, tailor, burgess of Edinburgh, for the masters, mariners, and skippers of the ship of Swayne, called "Mercurius," presently lying in the harboury of Leith, 1000 merks, not to transport any of the King's lieges furth of this realm in the said ship without his Majesty's licence, —Williame Ogilvie becoming surety in relief.

Earl of Eglinton.

Hew Montgomry of Auchinhuid for Hew, Earl of Eglintoun, £2000, not to intercommune with Thomas Kennedy of Drummurchie and his accomplices foresaid (*ante*, p. 751) during their rebellion, conform to the charge given to him by Robert Reid, messenger. The band, registered by Robert Hammiltoun, advocate, is subscribed at Polnoeg, 16th September, before Hew Montgomry of Cockillbie, Neill and Archibald Montgomries, servitors to the said principal, and Mr. Johne Broun, notary, writer hereof. Fol. 93, b.

Hew Montgomery.

Johnne Dunlop at Polmunemill for Hew Montgomry of Nethercraig, 300 merks, to the effect abovewritten. The band, registered as above, is subscribed at Polmun, 16th September, before Archibauld Montgomry, servitor to my Lord Eglintoun, Allane Young in Auchinhuid, and Mr. Johne Brune, notary, writer hereof, who subscribes for Dunlop. Fol. 94, a.

Mr. Thomas Mowbray.

Johnne Mowbray, portioner of Crawmond Regis, for Mr. Thomas Mowbray at Craigiemill, 2000 merks, not to harm Sir James Elphingstoun of Barnetoun, secretary, or Alexander Skougall, his tenant. Fol. 94, b.

John Dunlop.

Hew Montgomry of Cockillbie for Johne Dunlop in Polmunmylne, 300 merks, not to intercommune with or reset Thomas Kennedy of Drummurchy and his accomplices foresaid during the time of their rebellion, conform to the charge given by Robert Reid, messenger. The band, registered by Robert Hammiltoun, advocate, is subscribed at Polmun, 16th September, before Hew Montgomry of Auchinhuid, Neill and Archibald Montgomries, servitors to the Earl of Eglintoun, and said Broun, notary.

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Williame Montgomry, writer, for Williame Scot, customer and burgess of Irvine, 300 merks, to the effect foresaid. Edinburgh, 20th Sept. William Scott.

David Barclay of Ladyland for Robert Montgomrie, younger of Hasilheid, 500 merks, and for Ezechiell Montgomry, 300 merks, and the said Robert for the said David, 500 merks, also to the effect foresaid. The band, registered by Mr. Alexander Cummyng, advocate, and Mr. Alexander Peblis, advocate, is subscribed at Irvine, 18th September, before Williame Montgomry and Laurence Scot, writers, and Hew Garven, court clerk of Irvine,—Gilbert Garven, servitor to the said Hew, being the writer hereof. Robert Montgomery and others.

Fol. 95, b.

Williame Mure of Rowallane for Robert Mure in Fynnickhill, Gilbert Mure in Craig, Hew Power in Kilmernok, and Williame Mure, brother of Edward Mure of Park, 300 merks each, also to the same effect, conform to the letters directed thereanent, of date at Falkland 2nd August last. The band, registered by Johnne Halyday, advocate, is subscribed at Kilmernok, 12th September, before Adame Aslos of that Ilk, James Mure, "my brother naturall," Alexander Hammiltoun of Ladytoun, and Eduard Powar, writer hereof. Edinburgh, 21st Sept. Robert Mure and others.

Fol. 96, a.

Adame Aslos of that Ilk for Williame Mure of Rowallane, 500 merks, also to the same effect. The band, registered and dated as above, is subscribed before Gilbert Mure in Craig, Williame Mure, servitor to the Laird of Rowallan, Hew Powar, notary, and Eduard Powar, his brother, writer hereof. Mure of Rowallan.

Fol. 96, b.

Johnne Kennedy of Culnane (Cullane) for Thomas Kennedy of Ardmyllane, also to the same effect, under the pains contained in the letters given to the said Thomas thereanent. The band, registered by Mr. Alexander Cumyng, advocate, is subscribed at the Monkwod, 20th September, before Johnne Mure and Williame Kennedy, servitors to the Laird of Ardmyllane, and Thomas Wod,—Johne Kennedie, notary, being the writer hereof. Kennedy of Ardmillan.

Andro Edmestoun of that Ilk for Johnne Halyburnetoun in Nudrie, Johnne Chrystie in Nudrie, Johnne Patersoun in Ednem, and David Edmestoun in Ednem, 300 merks each, to appear before the King and Council upon 16th November next and answer to a complaint made against them by Alesoun Edmestoun, relict of Edmestoun of Wolmet, touching their alleged accompanying of Gavin Lyndsay, son of the Laird of Covingtoun, and others, his accomplices, in the "rapt and ravisching" of the said Alesoun on 26th April 1600, and carrying of her next morning "up to ane hilheid and leving hir thair." Edinburgh, 26th Sept. John Halyburton and others.

Fol. 97, a.

Johnne Mure of Auchindrane for Agnes Montgomerie, relict of Thomas Kennedy of Bargany, 1000 merks, and for James Mure, younger of Auchindrane, Johnne Craig of Craigskeane, Robert Mure, brother of Waltir Mure of Cloncaird, Johnne Mure in Cartluy, David Mure in Ballachtoull, and James Bannatynein Chapeldonane, 300 merks each, not to intercommune with or reset Thomas Kennedy of Drummurchy and his accomplices foresaid (*ante*, p. 751) during their rebellion. The band, Edinburgh, 27th Sept. Agnes Montgomery and others.

registered by Joseph Milliar, advocate, is subscribed at Auchindrane, 22nd September, before the said Joseph, writer hereof, Moyses Lokhart, "my servitour," and James Lindsay, servitor to the said Joseph. Acta Caut. 1601-1605. Fol. 97, b.

Mure of Auchindrane.

Johnne Mure of Craigskeane for Johnne Mure of Auchindrane, £500, to the effect foresaid. The band, registered as above, is subscribed at Auchindrane, 23rd September, before James Mure, son and apparent heir of the said Laird of Auchindrane, Joseph Myller, advocate, and James Lindsay, his servitor.

Cuthbert Bryson.

Richard Hereis, apparent of Mabie, for Cuthbert Brysoun in Mabie, 1000 merks, not to harm Williame Grahame, servitor to Cuthbert Greirsoun of Dalskairth, conform to the charge given to him by Johnne Blak, messenger. The band, registered by Mr. Robert Young, is subscribed at Drumfreis, 23rd September, before Andro Cunynghame and Robert Cunynghame, burgesses of Dumfreis, Williame Giffok in Mabie, and Harbert Cunynghame, notary, writer hereof. Fol. 98, a.

John Cathcart, younger.

Johnne Cathcart of Carltoun for his son Johnne Cathcart of Careltoun, younger, 300 merks, not to intercommune with or reset Thomas Kennedy of Drummurchy and his accomplices (*ante*, p. 751) during their rebellion. The band, registered by Mr. Patrik Forrest, advocate, is subscribed at Killoquhan, 22nd September, before Allane Cathcart of Clauchfin, James Cathcart of Barneill, Johnne Cathcart, "my servitour," and Thomas M°Blayne, notary, writer hereof. Fol. 98, b.

Cathcart of Penmore.

Fergus Kennedy of Knokdaw for Mr. Robert Cathcart of Penmoir, 300 merks, to the effect foresaid. The band, registered and dated as above, is witnessed by Johnne Cathcart of Careltoun, younger, Allane Cathcart of Clauchfin, James Cathcart of Barneill, and Thomas M°Blayne. Fol. 99, a.

Kennedy of Knockdaw.

Mr. Robert Cathcart of Penmoir for Fergus Kennedy of Knokdaw, 300 merks, also to the same effect. The band, registered and dated as above, is witnessed by Allane Cathcart of Clauchfin, James Cathcart of Barneill, Johnne Cathcart, servitor to Johnne Cathcart of Careltoun, and Thomas M°Blayne. Fol. 99, b.

John Cathcart, elder.

Johnne Cathcart of Careltoun, younger, for Johnne Cathcart of Careltoun, elder, his father, 500 merks, also to the effect foresaid. The band, registered, dated and witnessed as above. Fol. 100, a.

Alexander Douglas.

Mr. George Douglas in Edinburgh for Alexander Douglas, macer there, 1000 merks, not to harm Johnne Corstoun in Crawmound, Johnne Corstoun, younger, his son, Robert, James, David, Walter Corstounis, his sons, or James Corstoun in Leyth, messenger.

Edinburgh, 23th Sept. Daniel Ker.

David Barclay of Ladyland for Daniell Ker of Kerisland, 500 merks, not to intercommune with or reset Thomas Kennedy of Drummurchie and his accomplices during their rebellion. The band, registered by Mr. Isac Broun, advocate, is subscribed at Glengarnok, 23rd September, before Robert Galbraith, servitor to the Laird of Glengarnok, James Barclay, son of the late Johne Barclay in Guilliland, Williame Crawfurd, son of the late Laurence Crawfurd of Kilbirny, and Johne Jak. Fol. 100, b.

Edinburgh, 29th Sept.

George Logane of that Ilk for Josias Stewart of Wester Polquhairne,

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also to the same effect,—conform to the charge given to him by Robert Reid, messenger. The band, registered by Mr. Alexander King, advocate, is subscribed at Auchincleche and Cumnok, 24th September, before Johnne Murdoche in Grenesyd, Hew Murdoch, his brother, George Murdoch in Torbreg of Uchiltrie, George Reid in Holhous, Patrik Logane in Edinburgh, Thomas Stilley in Cumnok,—James Gibsoun, notary, writer hereof, subscribing for the surety. Josias Stewart.

Sir Williame Stewart, commendator of Pittinveame, for Robert Murray, Gilbert Murray, Johnne Wat, and Johnne Andersoun, indwellers in the town of Lymkillis, 300 merks, not to harm Williame Coutis of Wester Rossyth. Robert Murra and others.

Fol. 101, b.

Johnne Logane of Drumchapell for Alexander Colquhoun of Lus, 300 merks, to present before the King and Council upon 16th November next Johnne M^cWattie, *alias* Buchannane, to answer to a complaint given in by Mathow Hammiltoun in Auchintochin anent two mares received by M^cWattie from Hammiltoun in grazing,—for which letters are directed against Colquhoun. The band, registered by Mr. Umphra Blinschele, advocate, is subscribed at Dunglas, 27th September, before Mathow Colquhoun, burgess of Glesgow, Adame Colquhoun, son of Adame Colquhoun in Hill, Johnne Colquhoun, parson of Juxta Kirkpatrik, Mungo Darleyth, servitor to the Laird of Lus. Colquhoun of Luss.

James Hendersoun, chirurgeon, burgess of Edinburgh, for Johnne Fairlie of Colmestoun, and Thomas Fairlie, his son, 500 merks, to deliver the house of Newbigging to Patrik Leverance, messenger, in case it be found that they ought to do the same after the discussing of the suspension raised at their instance against the charge directed for delivery thereof,—whereby the same is suspended to 30th November next. And the Treasurer and Advocate are ordained to be warned to 4th November. Edinburgh, 30th Sept. John and Thomas Fairlie.

Fol. 102, a.

Mr. Alexander Auchinmutie, son of the Laird of Halhill, and Mr. Frances Glen, fiar of Inchekeirie, for Robert Glen, son of Mr. Robert Glen of Inchekeirie, £1000, not to harm Sammuell Birs, writer. Edinburgh, 1st October. Robert Glen.

Alexander Pringle, bailie of Elgyne, and Thomas Mylne, burgess there, each for the other; William Young and Mr. James Gardin, bailies there, each for the other; James Douglas and Thomas Hay, burgesses there, each for the other; James Leslie and Robert Sutherland, burgesses there, each for the other; Alexander Annand, bailie there, and Alexander Boyne, burgess there, each for the other:—all in £1000 each, not to harm James, Earl of Murray, and his curators foresaid (*ante*, p. 752),—conform to the charge of date at Edinburgh 23rd June last. The band, registered by Mr. Thomas Mawer, advocate, is subscribed at Elgyne, 22nd September, before Thomas Innes, parson of Dowich, Duncane Leslie, son and apparent heir of James Leslie, burgess of Elgyne, Mr. Patrik Cumming, Alexander Baxter, servitor to Thomas Winzetis in Elgyne, and Thomas Hay, clerk, burgess of Elgyne, writer hereof,—John Annand and George Cumming, notaries, subscribing for the said James Leslie. Alexander Pringle and others.

Fol. 102, b.

Fol. 103, a.

Cuthbert Greir of Dalskairth, as principal, and Gilbert Greir of Dumfries, 4th October.

Cuthbert Grierson. Beochane, 1000 merks, not to harm Edward Crichtoun of Peiltoun, or George, David, and Edward Creichtonis, his sons. Acta Caut. 1591-1616. Fol. 25, a.

Edinburgh, 4th October. John MacKenzie and Isobel MacKenzie. Colene M'Kenzie, brother of Kenneth M'Keinzie of Kyntaill, for Johnne M'Keinzie of Garloch and Issobell M'Keinzie of Pitlundy, 2000 merks, not to harm Rorie M'Keinzie, portioner of Sligo. The band, registered by Mr. Alexander Cumming, advocate, is subscribed at Edinburgh, 5th October, before Mr. James Lauder, writer hereof, Donald Clerk, and Johnne Merchinstoun. 1601-1605. Fol. 103, a.

Edinburgh, 5th October. John Neilson and others. Johnne Ecclis of Kildonan for Mr. Johnne Neilsoun of Carcaffie, 1000 merks, Alexander Neilsoun, younger of Carcaffie, £500 merks, and Johnne Kennedy of Clondirschok, 300 merks, not to intercommune with or reset Thomas Kennedy of Drummurchy, Walter Mure of Cloncaird, Thomas M'Alexander, Thomas Wallace, William Irvine, or Gilbert Ramsay, during the time of their rebellion, for the causes contained in the letters of horning executed against them at the instance of Dame Elizabeth M'Gill, Lady Culzean, relict of Thomas Kennedy of Culzean,—conform to the letters directed by Sir George Home of Spot. The band, registered by Mr. Alexander Cummyng, advocate, is subscribed at Colmonell Kirk, 26th September, before Thomas Kennedy of Kirkhill, David Kennedy in Corss, Adame Hog in Ballentrey, David Merschall there, notary, writer hereof, and Johne M'Alexander in Craiganochie. Fol. 103, l. Fol. 104, a.

David Kennedy and others. Gilbert Kennedy in Duprie for David Kennedy in Corss, Thomas Kennedy of Kirkhill, and David Campbell of Dalfask, 300 merks each, to the effect foresaid. The band, registered as above, is subscribed at Ballentrey, 27th September, before Thomas Kennedy of Kirkhill, Adame Hog in Ballentray, Johnne Kennedy in Clondirschok, Johne M'Alexander in Craiganochie, and David Merschell, notary, writer hereof,—said notary subscribing for Gilbert Kennedy in Duprie.

Adam Hog and others. Thomas Kennedy of Kirkhill for Adame Hog in Ballentrey, Johne M'Alexander in Craganochie, and David Merschell in Ballentrey, 300 merks each, also to the effect foresaid. The band, registered as above, is subscribed at , 27th September, before Johne Neilsoun of Cragcaffie, David Kennedy in Corss, Gilbert Kennedy in Duprie, David Merschell, notary in Ballentrey, writer hereof, and Johne M'Neillie in Barnevannok. Fol. 104, b

Gilbert Kennedy and John MacNilie. David Kennedy in Corss for Gilbert Kennedy in Duprie and Johnne M'Nilie in Barvannok, 300 merks each, also to the effect foresaid. The band, registered as above, is subscribed at Ballentrey, 27th September, before Adame Hog in Ballentrey, Johne M'Alexander of Craiganochie, Johne Kennedy in Clondirschok, and David Merschell, writer hereof. Fol. 105, a.

Andrew Munro of Newmore. Hectour Munro of Foullis for Andro Munro of Newmoir, 2000 merks, not to harm Johnne Irvine of Kynnok, or Frances and James, his sons. The band, registered by Mr. Johne Schairp, younger, is subscribed at Delnie, 30th September, before Johnne Corbat, servitor to my Lord President, Mr. David Munro, son of Johne Munro of Pitchoinauchtie, George Munro, "my servitor," James Sutherland, servitor to the said Fol. 105,

Acta Caut. 1601-1605.

Andro, and writer hereof, and James Corbet, son of James Corbet, portioner of Arkboll.

The said Hectour for George Munro of Mekle Tarrell, 2000 merks, to the effect foresaid. The band is registered, dated, and witnessed as above. George Munro.

Fol. 106, a.

Johnne Blakhall of Drumschewat for Alexander Wat in Gaitsyd, 300 merks, not to harm Gilbert Meinzeis of Pitfoddellis. The band, registered by Mr. Patrik Murray, advocate, is subscribed at the Quhebbis, 25th September, before Henry Bruce, wright and "tymmerman" in Gaitsyd, James Craig in Reirthow there, Henry Tailyeour in Quhebbis, Thomas Spens there, and Mr. Gilbert Ros, notary public in Aberdeen, writer hereof. Alexander Watt.

Fol. 106, b.

Mr. Williame Schaw of Spango for Hew Montgomry of Braidstane, 500 merks, not to intercommune with or reset Thomas Kennedy in Drummurchie and his accomplices foresaid during their rebellion (*ante*, p. 756). Hew Montgomery.

Acta Caut. 1591-1616. Fol. 25, b.

Johnne M°Dowall of Logane, as principal, and Patrik M°Dowall, fiar of Machrymoir, as surety, £500, and said Johnne for Patrik M°Dowall in Freuch, 300 merks, not to reset or intercommune with Thomas Kennedy of Drummurchy and his accomplices foresaid during their rebellion. Dumfries, 7th October. John MacDowell.

William Greirsoun of Lag for Robert M°Brair of Almegill, 1000 merks, not to harm Johnne Maxwell of Keltoun. Robert MacBrair.

Fol. 26, a.

Homer Maxwell, commissary of Drumfreis, for Harbert Maxwell, younger of Kirkconnell, £1000, that Johnne Mairtene of the Blaikschaw shall not be harmed by him or by his brothers Johnne and George Maxwellis, or any others pretending right or kindness from him or his said brothers to a half merkland of the five merkland of Tracqueir belonging to the said Johnne and lying at the Brigend of Drumfreis. Dumfries, 8th October. Herbert Maxwell.

Gilbert Greir of Nether Keir for Homer Maxwell, commissary of Drumfreis, £1000, not to harm the said Johnne Mertine. Homer Maxwell.

Johnne Maxwell of Keltoun, as principal, and Johnne Gledstanis of Craigis, Robert Edzer, merchant, burgess of Drumfreis, and Thomas Maxwell, maltman, burgess there, as sureties, 1000 merks, not to harm Robert M°Brair of Almegill; also, to answer before the justice courts now being held within the burgh of Drumfreis, when lawfully arrested and called upon. John Maxwell.

Fol. 26, b.

William Crawfurde of Leifnoreis, as principal, and George Dowglas of Wattersyde, as surety, £500, and said William for Johnne Fullertoun of Dregehorne, £500, and for George Crawfurde of Auchincors and George Crawfurd of Auchinvoy, 300 merks each, not to reset or intercommune with Thomas Kennedy of Drummurchy and his accomplices foresaid during their rebellion (*ante*, p. 756). Dumfries, 9th October. William Crawford and others

Robert Phillop, notary, burgess of Sanquhar, for James Creychtoun, messenger, £40, to answer upon 12th instant to a complaint against him by Sir George Home of Spote and George Murray of Brochtoun for not executing letters raised by them against Johnne Ahannay, apparent of Sorbie, and certain others. James Crichton.

Fol. 27, a.

Robert Wedderburne, elder, burgess of Dundie, portioner of Miltoun of Edinburgh, 9th October.

George Balfour.

Craigie, for George Balfour, sometime prior of the Charterhous, £500, not to harm Thomas Stewart, burgess of Dundie. The band, registered by Mr. Richart Spens, advocate, is subscribed at Dundie, 7th October, before William Goldman, treasurer of Dundie, David Foullartoun and Johne Goldman, burgesses of Dundie, and Mr. David Mathow, notary,—Robert Wodderburne, notary, being the writer hereof. Acta Caut. 1601–1605. Fol. 106 7.

Michael Balfour.

"Coronell" Bartilmo Balfour of Reidhewis for Mitchell Balfour, skipper and burgess of Pittinveme, 300 merks, to answer upon 4th November next to a complaint against him by Johne Wilsoun, burgess of Edinburgh, and Issobell Hegie, his spouse, "tuiching his putting to of new saillis to the reyis of the schip callit the Meyflour of Pittinveme, quhairof the equall half is allegeit to pertene to thame, and violent taking of hir out of the raid to the oppin seyis, laidnit and frauchtit with wairis and merchandice as gif thair had bene na arreistment nor sentence of apprysing layd thairupon at the instance of the said Johne and his said spous."

Michael Balfour.

Johnne Strang, younger of Balcaskie, for Micchell Balfour, burgess of Pittinveame, £1000, not to harm Johnne Wilsoun, elder, merchant, burgess of Edinburgh, and Jonet Hegie, his spouse. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Pittinveme, 7th October, before William Sandielandis of Sanctmonanis, Johnne Burne and James Weymes, servitors to the said William Sandielandis, William Corsaw, son of Johnne Corsaw, notary public and common clerk of Pittinveame. Fol. 107, b.

Edinburgh, 11th October. John Wilson and spouse.

Mr. Richard Andersoun, burgess of Munrois, for Johnne Wilsoun, burgess there, and Margaret Betie, his spouse, 200 merks, not to harm Johnne Steill, burgess there, or Katherine Lyle, his spouse. The band, registered by Mr. Umphra Blinsele, advocate, is subscribed at Munros, 7th October, before Alexander Andersoun, cooper, Thomas Myllar, messenger, and Alexander Willok, burgesses of Munros,—David Falconer, notary, writer hereof, subscribing for the said Margaret. Fol. 108, a.

Edinburgh, 12th October. Alexander Wood.

Robert Wod, apparent of Grenesyd, for the "rycht honorabell" Alexander Wod of Lamlethame, £1000, not to harm James Leitche, merchant, citizen of St. Androis. The band, registered by Mr. David Guthrie, advocate, is subscribed at St. Androis, 11th October, before Mr. William Wod, David Wilsoun, servitor to the said Alexander, James Chapman, also servitor to the said Alexander, and Mr. Magnus Arthour, notary public, writer hereof.

Dumfries, 12th October. Thomas MacLellan.

Thomas M°Clellane of Balma, as principal, and Thomas M°Clellane of Balig, and Edward Forrester, son of Robert Forrester, commissary of Kirkcudbright, as sureties, 500 merks, not to harm Henrie M°Meithen in Dunrod. Acta Caut. 1591–1616. Fol. 27, a.

Dumfries, 13th October. Alexander Prentice and others.

Robert Weir of Halcraig and Johnne Bailyie of Saint Johnschapel for Alexander and Archibald Prenteisis, Johnne and Patrik Findlayis, and Patrik Brounlie, all in Belstane, 300 merks each, to answer upon 9th November next to a complaint against them by Thomas Weir of Over

Acta Caut. 1591-1616.

Kirktoun and Johnne Weir, his son, touching certain points of oppression.

Said Robert Weir and Johne Bailyie for James Weir of Balschaw, 500 merks, not to harm the said Thomas Weir and Johnne Weir. James Weir.

Fol. 27, b.

Johnne Kirko of the Chapel for Johne Tagart and Barnard Newlandis in Comestoun, 500 merks each, not to harm Lord Hay of Yester. Dumfries, 15th October. John Tagart and Bernard Newlands.

Johnne Urquhart of Craigfintry, tutor of Cromartie, for Mr. Alexander Meldrum, presently in ward in tolbooth of Edinburgh, 1000 merks, to go abroad within threescore days after being released, and not to return without the King's licence. Dumfries, 17th October. Mr. Alexander Meldrum.

Gilbert Greir of Beochane for George Cunynghame in Shawis, to pay to Roger Greir in £100 by 1st December next, in full satisfaction of the decree pronounced against him; also, to underlie the laws before the Justice when warned for any crimes that can be laid to his charge, under the pains in the Acts of Parliament. Dumfries, 19th October. George Cunningham.

Fol. 28, a.

Robert Welsch of Dallavodie for Robert Hunter in Halywood, 1000 merks, not to harm Williame Thomesoun, vicar and reader at Terneglis. Robert Hunter.

Harbert Cunynghame, clerk of Drumfreis, for Frances Irwing, burgess of Drumfreis, 500 merks, to answer upon 10th December next to a complaint against him by Johnne M°Clellane of Armyne touching the stealing from him of three score and six kye and oxen. Francis Irving.

M°Clellane of , tutor of Nuntoun, for Johnne M°Clellane of Armyne, £100, to raise criminal letters against said Frances Irving charging him to answer in the tolbooth of Edinburgh on 10th December next before the Justice for the said stealing from him committed in June 1596. John Mac-Lellan.

Johnne Maxwell of Stanehouse and Johnne Maxwell in Hoddum, as principals, and Andro Brysoun of Bardannoch and Harbert Maxwell of Reidbra, as sureties, 500 merks each, not to harm Robert Makquhan in Drumfreis, or Elizabeth M°Quhan, his spouse. John and John Maxwell.

Acta Caut. 1601-1605. Fol. 109, a.

Alexander Dumbar of Tarbert for Alexander Dumbar of Westfeild, 4000 merks, not to harm Johnne Innes of Leucheris or Alexander Innes of Coitis, conform to the King's letters dated 27th April last. The band, registered by Mr. David Guthrie, advocate, is subscribed at Elgyne, 11th October, before Mr. Alexander Douglas, minister at Elgyne, Alexander Dumbar of Thornehill, William Dumbar, brother of Laird of Tarbert, Patrik Dumbar, servitor to the Laird of Westfeild, and George Sutherland, notary public in Elgyne, writer hereof. Edinburgh, 19th October. Alexander Dunbar of Westfield.

Alexander Dumbar of Westfeild for Alexander Dumbar of Tarbert, 2000 merks, to the same effect. The band is registered, dated, and witnessed as above. Dunbar of Tarbert.

Acta Caut. 1591-1616. Fol. 28, b.

Johnne Corsane, burgess of Drumfreis, for Sir Johnne Gordoun of Lochinvar, to pay to William, Earl of Angus, the sum of 40s. for every poundland of his 14 merkland in the barony of Glencairn and 10 merkland of Kirkpatrik of the Gait, in case it be found that he ought to do so. Dumfries, 20th October. Sir John Gordon.

Johnne Armestrang of Langholme obliges himself that Alexander Armestrang, his son, on being freed out of the pledge chamber where he is a Alexander Armstrong

present, shall repair to Sir Johnne Ramsay and remain with him till he be entered to Ludovik, Duke of Lennox, under pain of treason and infamy. Acta Caut. 1601–1605.

Edinburgh, 23rd October. Earl of Cassillis.

Hew Kennedy of Garriehorne for Johnne, Earl of Cassillis, 1000 merks, not to reset or intercommune with Mr. William Boyd, brother of late Adame Boyd of Pinkhill, who is put to the horn at the instance of Jonet Kennedy, relict of said Adame Boyd of Pinkhill, during the time of his rebellion. The band, registered by Mr. Alexander Thomsoun, advocate, is subscribed at Mayboll, 20th October, before Gilbert Ros, provost of Mayboll, writer hereof, Mr. Christell Cokburne, Hew Kennedy in Dangar, and Alexander Baxster, servitors to the said Earl. Fol. 109, b. Fol. 110, a

Oliver Baird and others.

Hew Kennedy of Penquhirrie for Oliver Baird of Kilquhonzie, and the said Oliver for the said Hew and for Johnne Baird, his brother, 300 merks each, to the effect foresaid. The band, registered and dated as above, is subscribed before the said Provost, Captain Daniell Forrester, and Johnne Mure in Wodland. Fol. 110, b.

Captain Daniel Forrester and John Dick.

Johnne Dick of Barbestoun (Barbourstoun) for Captain Daniell Forrester, *et vice versa*, 300 merks each, also to the effect foresaid. The band, registered and dated as above, is subscribed before Hew Kennedy of Penquhirrie, Hew Kennedy of Garriehorne, and Oliver Baird of Kilquhinzie.

John Calderwood.

Hew Kennedy of Penquhirrie for Johnne Calderwod in Gimmerstoun, also to the effect foresaid, under the pains contained in the King's letters. The band, registered and dated as above, is subscribed before Johnne Mure in Mayboll, tailor, Johnne M°Culloch, servitor to the Master of Cassillis, and Johnne Kennedy, notary, writer hereof, who subscribes for Calderwod. Fol. 111, a.

John Campbell.

Hew Kennedy of Penquhurie for Johnne Campbell in Barnfurd, also to the effect foresaid. The band, registered and dated as above, is subscribed before Johnne Dik of Barbestoun, Johnne Calderwod in Gummerstoun, Johnne Mure in Wodland, and said notary. Fol. 111, b.

Edinburgh, 25th October. John Kennedy.

Johnne Kennedy of Smythistoun for Johnne Kennedy of Culnane, also to the effect foresaid. The band, registered by Mr. Johnne Leirmounth, advocate, is subscribed at Mayboll, 21st October, before Hew Kennedy of Garriehorne, Johnne M°Alexander in Mayboll, and Johnne Kennedy, notary, writer hereof. Fol. 112, a.

Mr. John Chalmer and others.

Hew Kennedy of Garriehorne for Mr. Johnne Chalmer of Sandiefurd, *et vice versa*, and the said Hew and Mr. Johnne for Hew Kennedy in the Bar, Alexander M°Nedar in Drummoir, Thomas Kennedy in Drumschang, James Kennedy in Mayboll, and Hew Hamiltoun in Drummoir, 300 merks each, also to the effect foresaid. The band, registered by the said Mr. Johnne Leirmounth, is subscribed at Mayboll, 20th October, before said provost of Mayboll, writer hereof, Mr. Chrystall Cokburne, and Alexander Baxster, servitors to my Lord of Cassillis.

Gilbert Fergusun and others.

Gilbert Ros, provost of Mayboll, for Gilbert Fergusoun of Dalduff, George Fergusoun of Thraiff, and Johnne Garven of Coldwollenstoun, 300 merks, also to the effect foresaid. The band, registered by said Leir- Fol. 112, b.

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mounth, is subscribed at Mayboll, 21st October, before Johnne M^cIlvaine, younger of Gruemet, Alexander M^cNedar in Drummoir, Hew Hammiltoun there, and Oliver Ros in Mayboll, writer hereof.

Fol. 113, a.

George Corrie, younger of Kelwod, for Johnne Corrie of Kelwod, his father, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Mayboll, 20th October, before David Corrie, "my brother," said Provost, James Hodgtoun, servitor to the said Johnne Corrie, and said Oliver Ros.

Corrie, elder of Kelwood.

Fol. 113, b.

Johnne Corrie of Kelwod for his said son, 300 merks, also to the effect foresaid. The band is registered, dated, and witnessed as above.

Corrie, younger of Kelwood.

Patrik M^cIlvaine of Gruemet for Johnne M^cIlvaine, younger of Gruemet, his son and apparent heir, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Mayboll, 21st October, before Johnne Corrie of Kelwod, George Corrie, younger of Kelwod, David Corrie, son of the said Johnne, and said Oliver Ros.

John MacIlvaine.

Fol. 114, a.

Johnne M^cIlvaine, younger of Grumet, for Patrik M^cIlvaine of Grumet, his father, 300 merks, also to the effect foresaid. The band is registered, dated, and witnessed as above.

Patrick MacIlvaine.

Fol. 114, b.

Hew Kennedy of Brunstoun, Master of Cassillis, for Dame Elizabeth M^cGill, Lady Culzean, and for James Kennedy, apparent of Culzeane, her son, also to the effect foresaid, under the pains contained in the King's letters. The band, registered and dated as above, is witnessed by Quintene Boyd, "my servand," Archibald Thomsoun, servant to the said Lady, and Johnne Kennedy, notary, writer hereof.

Lady Culzean and her son.

Fol. 115, a.

Gilbert Kennedy of Balmeclannoquhan for Alexander Kennedy of Drummellan, 300 merks, also to the effect foresaid. The band, registered by George Abernethie, is subscribed at Mayboill, 24th October, before David Kennedy, younger of Balmaclannoquhan, Captain Daniell Forrester, servitor to the Earl of Cassillis, and Oliver Ros in Mayboill, writer hereof.

Edinburgh, 26th October. Alexander Kennedy.

Fol. 115, b.

Alexander Kennedy of Drummyllane for Gilbert Kennedy of Balmaclannoquhan, 300 merks, also to the effect foresaid. The band is registered, dated, and witnessed as above.

Gilbert Kennedy.

Hew Kennedy of Penquhirrie for Andro Cuninghame in Knokdones and Quintene Craufurd, younger in Sekhoill, 300 merks each, also to the effect foresaid. The band, registered and dated as above, is witnessed by Johnne M^cIlvaine, younger of Gruemet, David Cathcart in Mains of Dammellintoun, and Oliver Ros in Mayboill, writer hereof.

Andrew Cunningham and Quintin Crawford.

Fol. 116, a.

Williame Gordoun, burgess in Wigtoun, for Adame Ahannay, burgess there, 300 merks, not to reset or intercommune with Alexander Ahannay of Sorbie, Johnne Ahannay, his son and apparent heir, Johnne Ahannay of Kirkdaill, Alexander Cuninghame of Powtoun, Robert (? Roger) Ahannay in Boighous, Andro and Archibald Ahannayis, sons of the Laird of Sorbie, George, Gilbert, Alexander, and Johnne Ahannayis, sons of Patrik Ahannay of Kilphillane, Quintene Mure of Auchneill, Adame (? David, ? Robert) Boyd, son of Robert (? Adame) Boyd of Larbrexis, Thomas and Symound Ahannayis, sons of Henry Ahannay in Crugiltoun,

Adam Hannay.

Niniane Douglas in Culdurrie, Johne Ahannay of Inglistoun (? Colstoun, ? Gelstoun), Johne Rogersoun there, Martene Cubiesoun, and Cubilsoun, his brother, servants to Alexander Cuninghame of Powtoun, Johne M°Murie (? M°Intorrie, ? M°Noreis), servitor to Johne Ahannay, apparent of Sorbie, George Mure, and Allane Mure, his son (? George and Alexander M°Murries, his sons), James Hair (? Hay), Johnne M°Mullane (M°Millane, ? M°Newre), Johnne Edzer, and Johne M°Robert (? M°Corbet), who are denounced rebels at the instance of Sir George Home of Spot, treasurer, and George Murray of Brochtoun, for the causes specified in the letters of horning raised by them. The band, registered by Mr. Johnne Leirmounth, advocate, is subscribed at Wigtoun, 21st October, before Alexander Lyndsay, burgess in Wigtoun, writer of the body thereof, Johnne Vaus, notary public, and James Patersoun, schoolmaster in Wigtoun. Acta Cant. 1601-1605.

Archibald Telfer. Johnne Edzer, bailie of Wigtoun, for Archibald Tailyefeir, the other bailie of the said burgh, 300 merks, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices foresaid, or with Patrik Ahannay, son of Gilbert Ahannay in Crugiltoun, during their rebellion. The band, registered and dated as above, is subscribed before Mr. James Adamesoun, minister at Penninghame, Johnne M°Kie, burgess in Wigtoun, Patrik Edzer there, and Michaell Cochrane, notary, writer hereof, —John Turner, notary public, subscribing for the said Johnne Edzer. Fol. 116, b.

John Hannay. Johnne Edzer, bailie of Wigtoun, for Johnne Ahannay, *alias* Johnne of the Mos, burgess there, 300 merks, to the effect foresaid. The band, registered and dated as above, is witnessed by the said minister, writer hereof, Alexander Lyndsay, burgess of Wigtoun, James Patersoun, schoolmaster at Wigtoun, and Alexander Hennoun in Wigtoun,—Johnne Wauch, notary public, subscribing for the said Johnne Edzer and Johnne Ahannay. Fol. 117, a. Fol. 117, b.

John Osburne and John MacJedrow. Johnne Oisburne in Holhous in Dalrumple and Johnne M°Idrow in M°Manstoun in Dalrumple, the one for the other, 300 merks each, not to reset or intercommune with Mr. William Boyd, brother of the late Adam Boyd of Pinkhill, and put to the horn at the instance of Jonet Kennedy, Lady Pinkhill. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Mayboll, 25th October, before Robert Wilsoun in Mayboill, Umphra Stewart there, and Niniane Thomsoun there,—Oliver Ros, notary public, writer hereof, subscribing for the said Johnne Oisburne and Johnne M°Jerrow.

Stewart of Garlies. Alexander Stewart of Clarie for Alexander Stewart of Gairlies, 1000 merks, not to reset or intercommune with Alexander Ahannay of Sorby and his accomplices foresaid (exclusive of the said Patrik Ahannay). The band, registered by Mr. Johnne Leirmounth, advocate, is subscribed at the Clarie, 21st October, before Williame Stewart of Dunduff, younger, Johne Stewart, his brother, Roger M°Coskrie in Barquharran, and Anthoun Stewart, "my brother." Fol. 118, a.

John Edgar. Archibauld Tailyefeir, bailie of Wigtoun, for Johnne Edzer, another Fol. 118, b.

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bailie of the said burgh, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Wigtoun, 21st October, before the said minister, Michaell Cochrane, sheriff clerk of Wigtoun, Johnne M^{c}Kie, burgess in Wigtoun, and Patrik Edzer there,—Johnne Turner, notary public, subscribing for the said Johnne Edzer.

Fol. 119, a. Williame M^{c}Kie of Keriequhirne for Mr. Williame Turner, commissary of Wigtoun, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Wigtoun, 20th October, before William Gordoun and Richard Campbell, burgesses of Wigtoun, and David Kennedy,—the said Mr. Williame being the writer hereof. Mr. William Turner.

Fol. 119, b. Michaell Cochrane, burgess of Wigtoun, for Johne Ahannay, merchant, burgess there, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Wigtoun, 21st October, before the said minister, writer of the body hereof, Alexander Dumbar, burgess of Wigtoun, Johnne Vaus, notary, and Gilbert Symsoun, burgess of Wigtoun. John Hannay.

Fol. 120, a. Alexander Stewart of Gairlies for Alexander Stewart of Clarie, £500, also to the effect foresaid. The band, registered and dated as above, is, witnessed by the said minister, Mr. Mathow Reid, minister at Kirkinner, Michael Cochrane, notary, writer hereof, and Johnne Turner, notary. Stewart of Clarie.

Fol. 120, b. Johnne Hannay, burgess in Wigtoun, for Thomas Ahannay at the Mill of Quhythillis, 500 merks, also to the effect foresaid. The band, registered by Mr. Alexander Peblis, advocate, is subscribed at Wigtoun, 23rd October, before Johnne Vaus, notary, Williame Keith in Wigtoun, Williame Ahanna there, and Alexander Ahannay in Corver,—Michaell Cochrane, notary public, sheriff clerk of Wigtoun, writer hereof, subscribing for the said Johne Ahannay and Thomas Ahannay. Thomas Hannay.

Fol. 121, a. Archibald Tailyefeir, bailie of Wigtoun, for Johnne M^{c}Kie, *alias* Culwat , burgess there, 300 merks, also to the effect foresaid. The band, registered by Mr. Johnne Leirmounth, advocate, is subscribed at Wigtoun, 20th October, before the said minister, writer of the body hereof, Johnne Edzer, bailie of Wigtoun, Michaell Cochroun, notary, sheriff clerk of Wigtoun,—John Turner, notary public, subscribing for the said Johnne M^{c}Kie. John MacKie.

Fol. 121, b.

Fol. 122, a. Johnne Ahannay in Vennald, merchant and burgess in Wigtoun, for Michaell Cochroun, sheriff clerk of Wigtoun, 300 merks, also to the same effect. The band, registered as above, is subscribed at Wigtoun, 22nd October, before the said minister, Alexander Dumbar in Wigtoun, Johnne Vaus, notary, and George Walker, servant to Robert Kaye,—the obligation being written by the said Michaell. Michael Cochran.

Fol. 122, b. Johne Ahannay, merchant, burgess of Wigtoun, for Gilbert Symsoun, burgess there, 300 merks, also to the effect foresaid. The band, registered as above, is subscribed at Wigtoun, 21st October, before the said minister, writer hereof, Alexander Dumbar, burgess of Wigtoun, Johne Vaus (Wauch), notary, and George Walker, wright,—Michaell Cochroun subscribing for Symsoun. Gilbert Simpson.

Cuthbert Greirsoun of Dalskearth, as principal, and Johnne M^{c}Clellane Peebles, 26th October.

Cuthbert Grierson. of Arcymene, as surety, 500 merks, not to harm Cuthbert Bryce in Dullargwodheid. Acta Caut. 1591–1616. Fol. 28, b.

James Scott. Robert Scot of Haning for James Scot of Quhithop, 1000 merks, to pay on 16th November next the bygone rests of the maills and duties owing by him to the Queen's Majesty. Fol. 29, a.

Edinburgh, 27th October. Robert Mowbray. Mr. Thomas Mowbray at Craigiemylne for Robert Mowbray, younger, at the Brigend of Crawmound, 2000 merks, not to harm Sir James Elphingstoun of Barnetoun, his Majesty's secretary, or Alexander Skougall, his tenant,—Robert Mowbray, elder of the Brigend, becoming surety in relief. Acta Caut. 1601–1605. Fol. 122, a.

Jedburgh, 31st October. Robert Scott. Mr. Gediane Murray of Elibank for Robert Scot of Thirlestane, to relieve within 20 days hereof the warden of the Middle March of a bill filed on the said Robert at the instance of the Laird of Newtoun, Englishman, under pain of payment of the said bill. Acta Caut. 1591–1616. Fol. 29, a.

Edinburgh, 1st November. Campbell of Cawdor and others. Johnne Campbell of Caddell, as principal, and Robert Munro of Tenaniche, portioner of the Fyres, and bailie and chamberlain of the barony of Ferontosche, as surety for him, 3000 merks; and the said Johnne for Colene Campbell of Both, Johnne Campbell, commissary of Inuernes, and Robert Munro of Tenaniche, £1000 each, and for Williame Campbell, Alexander and Duncane Campbellis, brothers of the said Johne Campbell of Caddell, Hew Campbell in Balnigoun, Johnne Campbell in Ririach, said Commissary's brother, Mr. William Oustan, Alexander Nicolsoun, smith, and Johnne Or, servants to the said Laird, Andro M^{c}Ferquhar, Fynla M^{c}Kai, Alexander M^{c}Kai, Patrik Roy M^{c}Arthur, Alexander Campbell, servitor to the said Laird of Caddell, Alexander M^{c}Tomeis Donald Sutar, and Johnne Clunes, under the pains contained in the King's letters, not to harm Williame Gray of Baldoveane, assignee to Dame Jeane Lauder, Lady , conjunct fiar of the lands and barony of Ferintosche, or Robert Gray of Cranislie, her spouse. Acta Caut. 1601–1605. Fol. 123, a.

John Munro. Mr. George Munro, chancellor of Ros, for Johnne Munro of Pittenachtie, 1000 merks, not to harm Johnne Irvine of Kynnok, James Irvine, his son and apparent heir, or Frances Irvine, his son natural. The band, registered by Mr. Alexander Cummyng, advocate, is subscribed at the Chanonry of Ros, 15th October, before Mr. George Munro, "my sone," Johnne Fraser in the Chanonry of Ros, and Johnne Munro, writer and notary public,—the said notary subscribing for the said principal. Fol. 123, b.

Andrew Munro. Hectour Munro of Kilchoan for Andro Munro in Halsdannach (of Taynevar), 500 merks, to the effect foresaid. The band, registered as above, is subscribed at the Chanonry, 16th October, before Robert Munro of Teneniche, Johnne Munro, apparent of Pittonachtie, and Mr. David Munro, brother of the said Hectour. Fol. 124, a.

John Munro. Neill Munro of Suardill for Johnne Munro, apparent of Pitchonochtie, 500 merks, also to the effect foresaid. The band, registered as above, is subscribed at the Chanonry, 15th October, before Hucheoun Munro of Urquhart, Andro Munro of Tenwar, and Mr. David Munro, brother of the said Johnne Munro. Fol. 124, b.

Acta Caut. 1591-1616. Fol. 29, a.

Mr. Johnne Rutherfurd, bailie of Jedburgh, for William Rutherfurd, burgess there, £500, not to harm Adam and Andro Rutherfurdis, brothers, burgesses there; also, to be obedient to the magistrates of the said burgh. Jedburgh, 2nd Nov. William Rutherford.

Fol. 29, b.

William Rutherfurd, burgess of Jedburgh, for William Rutherfurde in Neisbit, £500, to the effect foresaid. William Rutherford.

Robert Ker of Ancrum for the said Adame and Andro Rutherfurdis, either of them in £500, not to harm William Rutherfurd, burgess of Jedburgh, or William Rutherfurd in Neisbit. Adam and Andrew Rutherford.

Thomas Rutherfurd, younger of Hunthill, for Jokie Rutherfurd in the Toftis, Thomas, Archibald, and William, his sons, 300 merks each, not to harm Jacques Laidley in Ancrauch; also, to answer when charged to the complaint of Laidley. Jockie Rutherford and his sons.

Fol. 30, a.

Trumble, younger of Mynto, for the said Jacques, not to harm the said Jokie and his sons, under the pain of 300 merks; also, to answer to their complaint against him when charged. Jacques Laidlay.

Acta Caut. 1601–1605. Fol. 125, a.

Richard Herreis, apparent of Mabie, for Cuthbert Bryce in Dowlargwodheid, 200 merks, not to harm Cuthbert Greirsoun of Dalskairth, or Mathew Greirsoun, his father-brother. The band, registered by Mr. Isac Broun, advocate, is subscribed at Drumfreis, 29th October, before James Currour in Hollene, William Leweris in Mabie, and Robert Cunynghame, notary, writer hereof. Edinburgh, 4th Nov. Cuthbert Bryce.

Alexander Prenteis in Belstane and Archibauld Prenteis there, as principals, and James Weir of Balschaw, as surety for them, and the said principals and surety for Johnne Fynla in Belstane, Patrik Fynla there, and Patrik Brounlie there, all in 300 merks each, not to harm Thomas Weir of Over Kirktoun, or Johnne Weir, his son. Edinburgh, 9th Nov. Alexander Prentice and others.

Fol. 125, b.

David Sinclair of Maidland for Petir M^{c}Dowall, younger of Machirmoir, £500, not to reset or intercommune with Alexander Ahannay of Sorbie, and his accomplices abovewritten (except Johnne Ahannay, son of Patrik Ahannay of Kilphillane, and Johne Rogersoun in Inglistoun) during their rebellion (*ante*, p. 761); also, the said Petir for Sir Johnne Vaus of Longcastell, 500 merks, not to reset or intercommune with Mr. William Boyde while he remains at the horn, being denounced at the instance of Jonet Kennedy, Lady Pynkhill. Edinburgh, 11th Nov. Peter MacDowall and Sir John Vaus.

Fol. 126, a.

Gilbert Agnew of Garganach for Patrik Agnew, younger of Lachna, 500 merks, not to reset or intercommune with Mr. Williame Boyde during the time of his rebellion. Patrick Agnew

James Kennedy of Crugletoun for Johnne Dumbar of Mochrum, 1000 merks, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices abovewritten, with Patrik Ahannay of Kilphillane (but exclusive of the said Johnne Ahannay and Johne Rogersoun), during the time of their rebellion. The band, registered by Mr. Johnne Schairp, advocate, is subscribed at the place of Culreoch, 9th November, before Johne Dalrimple in Cartawlay, Richard Kennedy, servitor to James Kennedy of Crugletoun, and Thomas Broun in Culreoch, writer hereof. Edinburgh, 12th Nov. John Dunbar.

Fol. 126, b.

John Dunbar of Mochrum.

Alexander Dumbar of Egirness for Johnne Dumbar of Mochrum, 500 merks, not to reset or intercommune with Katherene Hannay, relict of Johnne Dumbar in Orchartoun, or with Johnne Dumbar, her spouse, the King's rebels, during the time of their disobedience. The band, registered by Mr. Johnne Schairp, advocate, is subscribed at the place of Mochrum, 4th November, before Patrik Dumbar of Traloch, Robert Stewart of Gas, Robert Mure, servitor to the Laird of Mochrum, and James Glover, notary, writer hereof. Acta Caut. 1601–1605.

Edinburgh, 13th Nov. William and Allan Pyper.

Thomas Kennedy of Ardmillane to Sir George Home of Spot, treasurer, for William Pyper in Ardnell, and Allane Pyper, his son, 300 merks each, not to reset or intercommune with Mr. William Boyd while he is at the horn for the reif and oppression committed by him on Jonet Kennedy, relict of Adame Boyde of Penkill,—conform to the charge given to them by David Merschell, messenger. The band, registered by Mr. Thomas Gray, advocate, is subscribed at Ardmillane, 5th November, before William Kennedy and Johne Bruce, servitors to the said Thomas, and Robert Lundie in Ardmillane. Fol. 127, a.

Thomas Kennedy and others.

Hew Kennedy of Garyhorne for Thomas Kennedy of Synnones, Johnne Guthrie in Maybole, Andro Cochrane there, Hew Betoun there, James Baird, flesher there, and Andro Home in Ladyburne, 300 merks, to the effect foresaid. The band, registered as above, is subscribed at Maybole, 9th November, before Waltir Kennedy of Knokdone, James Kennedy in Maybole, and Oliver Ros there, writer hereof. Fol. 127, b.

Oliver Ross and others.

Thomas Kennedy of Synones for Oliver Ros in Mayboll, Patrik Hucheoun there, and Thomas M^{c}Walter, tailor there, 300 merks each, also to the effect foresaid. The band, registered and dated as above, is witnessed by Hew Kennedy of Garriehorne, Johne Kennedy, notary in Mayboll, and David Meitchell in Ballentrey. Fol. 128, a.

Andro Munro and others.

Hectour Munro of Foullis for Andro Munro of Newmoir, George Munro of Tarrell, and George Munro in Knokschorting, 2000 merks each, not to harm Johne Dumbar, fiar of Awach, Colene, Robert, and George Dumbaris, sons of George Dumbar of Awach, George Grahame, son of the late Robert Grahame, archdeacon of Ros, Robert Grant, bailie and burgess of the Chanonry of Ros, Williame Innes, burgess there, David Carnegie, elder, David Carnegie younger, his son, there, Johnne M^{c}Cabir of Laikmaline, or any of the community of the Chanonry of Ros and Rosmerkie. The band, registered by Johnne Halyday, advocate, is subscribed at the Milltoun in Ros, 4th November, before Mr. Johne Munro, minister at Tarbart, Robert Wauch, messenger, George Munro, "my servitour," and James Sutherland, servitor to Andro Munro, writer hereof. Fol. 128, b.

Edinburgh, 15th Nov. James Menzies.

Mr. James Stewart, commissary of Dunkeld, for James Meinzeis in Dilguis, to warrant and relieve Alexander Meinzeis of Weme of a decree obtained against him at the instance of William Chalmer of Cloquhat for restitution of six oxen and five kye alleged to have been stolen by Donald Meinzeis, brother of the said James, and for whom the said James is

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alleged to have become cautioner to the said Laird, in case, after trial of the verity, it be found that he ought to do so.

Dunlop of Craig and others.

James Muat of Busbie for William Dunlop of Craig, Allane Stevinsoun in Craig, and Allane Stevinsoun in Mylnetoun, 300 merks each, not to reset or intercommune with Thomas Kennedy of Drummurchie, Walter Mure of Cloncaird, William Irvine, Thomas M^{c}Alexander, Thomas Wallace,

Fol. 129, a.

and Alexander Ramsay, put to the horn for the slaughter of Sir Thomas Kennedy of Culzeane. The band, registered by Mr. Oliver Colt, advocate, is subscribed at Knokintiber, 9th November, before James Muat, son of the said James, William Dunlop, younger of Craig, William Cauldwell, writer hereof, and George Nimoch, servitor to the said James Muat.

Mouat of Busbie.

Williame Dunlop of Craig for James Muat of Busbie, 500 merks, to the

Fol. 129, b.

effect foresaid. The band is registered, dated, and witnessed as above, except that Allane Stevinsoun in Myltoun takes the place of George Nimoch.

Edinburgh, 16th Nov. Patrick Wood.

Alexander Harvie, merchant, burgess of Edinburgh, for Patrik Wod of Boningtoun, to buy from Sir Mitchell Balfour of Burley so many stands of arms as effeir to his estate, and as the Lords of Secret Council shall think expedient after decision of the suspension raised at the instance of the said Patrik, under the pain of 100 merks for each stand of the same, —Hary Wod, fiar of Bonyngtoun, becoming surety in relief.

Edinburgh, 18th Nov. John Irvine and his sons.

Waltir Innes of Inuerbraky and Kenneth M^{c}Kenzie of Gilchreist for

Fol. 130, a.

Johnne Irwing of Kynnok and for James Irwing, his son, 2000 merks, and for Frances Irwing, also his son, £1000, not to harm Andro Monro of Newmoir,—conform to the charge given to them by Robert Wauch, messenger, dated at Edinburgh 6th October last. The band, registered by Mr. Johnne Russell, advocate, is subscribed at the Chanonry of Ros,

Fol. 130, b.

6th November, before Johnne Fraser, burgess of the Chanonry, William Irwing, messenger there, James Pedder there, and Adam Dumbar, notary public, writer hereof.

Edinburgh, 23rd Nov. John Mac-Intosh.

Williame Nicolsoun, merchant, burgess of Edinburgh, for Johnne M^{c}Intosche, son of Lauchlane M^{c}Intosche of Dunachtane, not to depart furth of the burgh of Edinburgh without licence obtained from the King and Council, under the pain of 5000 merks.

Robert Campbell.

Colene Campbell of Arbruchell for Robert Campbell, son of Sir Duncane Campbell of Glenorquhy, to pay, as factor and chamberlain for his said father, to Williame Murray, apparent of Tullibardin, the sum of 16s. for each poundland of the following lands,—(1) four poundland of Innercrechane, (2) £5, 6s. 8d. land of Derry, (3) £5 land of Adinkip, (4) £6, 13s. 4d. land of Kingartmar, (5) four merkland of Dalmerklay, (6) seven merkland of Fintullach, (7) four poundland of Menzie,—extending in all to £32, 6s. 8d. land belonging to the said Sir Duncane, and the tax thereof amounting to £25, 17s. 4d. This is to be for relief to the said Williame of a part of the taxation granted for the raid of Drumfreis, and in case it be found after discussing of the suspension whereby the letters of horning

are suspended to 31st December next, that the said Robert ought to do the same. Acta Caut 1601–1605. Fol. 131, a.

Duncan Bain of Tulloch

Johnne M^cKeinzie of Garloch for Duncane Bayne of Tulloch, £2000 not to harm Rorie M^cKeinzie of Ardnifailyie, or Murdoch M^cKeinzie, his son and apparent heir. The band, registered by Mr. Oliver Colt, advocate, is subscribed at the Chanonry of Ros, 15th November, before William Thomsoun, burgess there, Johnne Leslie in the Chanonry, David Monypenny, burgess there, and Mr. Alexander Nicolsoun, notary public and writer hereof,—the said notary subscribing for Johnne M^cKeinzie of Garloch.

Hew Gordon of Grange.

Alexander Gordoun of Baltray for Hew Gordoun of Grange, 500 merks, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices foresaid (*ante*, p. 761),—with the exception of Johnne Ahannay, son of Patrik Ahannay of Kilphillane, and Johne Rogersoun in Inglistoun, but including Patrik Ahannay, son of Gilbert Ahannay in Crugletoun,—who are at the horn at the instance of Sir George Home of Spot, treasurer, and George Murray of Brochtoun. The band, registered by Cornelius Tennent, advocate, is subscribed at Wigtoun 18th November, before Michaell Cochroun, sheriff clerk of Wigtoun, Mr. James Adamesoun, minister at Pennynghame, writer hereof, and Alexander Herroun, burgess of Wigtoun. Fol. 131, b.

Stirling, 24th Nov. John Drummond.

Johnne Hammiltoun of the Blair for Johne Drummond of Bordland, £100, to buy from Sir Mitchell Balfour of Burley a stand of horsemen's arms, in case it be found that he ought to do so. Acta Caut. 1591–1616. Fol. 31, a

Edinburgh, 25th Nov. Alexander and Patrick Dunbar.

Alexander Dumbar, fiar of Conzie, as principal, and Alexander Murray of Cubardy, as surety for him, 1000 merks, and the said principal and surety for Patrik Dumbar of Blairie, £1000, not to harm James Dundas, chantor of Murray. Acta Caut. 1601–1605. Fol. 132, a.

Edinburgh, 26th Nov. John Dow Macgregor and others.

James, Commendator of Inchechaffray, for Johne Dow M^cGregour in Innercaldy, Duncane M^cGregour of Kingarth, Duncane M^cAllester M^cGregour, Duncane M^cFadrich M^cGregour, Malcolme, Duncane, James, Johne M^cCondychies, brothers, Allaster M^cCondochy Voir, and Patrik M^cEane M^cGregour, to appear before the King and Council, when required, upon six days' warning; also, to pay to the Treasurer £10 each for his own escheat fallen into the King's hands through their not finding caution conform to the general band, and that within 40 days hereof.

Alexander Maxwell.

Alexander Maxwell of Buittilmanis, as principal, and Johnne Herreis, younger of Madinpaip, as surety, £1000, not to harm James Lyndsay of Fargirth, elder. Fol. 132 b.

Robert Burne and others.

Sir James Bellenden of Brochtoun, Sir Andro Ker of Hietoun, warden depute of the Middle March, Andro Ker of Romano-Grange, Andro Ker of Lintoun, and Andro Ker of Old Roxburgh, for Robert Burne of Eleisheuch, Gilbert Burne of the Loch, Charlis Burne of the Coit, James Burne in Softlaw, Dandie Young of the Know, James and Robert Youngis, his brothers, 1000 merks each, to behave themselves as good subjects, to forbear in all time coming committing reif, theft, or reset of theft, and to

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appear before the Justice when required upon fifteen days' warning. The foresaid principals, together with Johnne Burne of the Coit, Robert Pringle of Cavertoun and Dandie Young of Cavertoun, appear and oblige themselves to relieve the sureties abovewritten in the premisses,—James Prymrois, Clerk of the Council, subscribing for them.

Fol. 133, b.

David Smyth, tailor, burgess of Edinburgh, for George Halyburtoun, son of the late James Halyburtoun, in Dirrletoun and now in Cokelmylne, 300 merks, to answer before the King and Council upon 9th December next to a complaint made against him by Dame Dorrathie Stewart ,Countess of Gowry, and Andro Ker of Faldounsyd, for coming to their links, armed with long hagbuts and pistolets, and "schuting and slaying of thair cuningis, eiting and distroying of thair tennentis growand cornis with thair hors," and intruding himself with his accomplices into the house of James Halyburtoun, furnishing the same with all "weirlyk provisioun," and "committing of sindry reifis, heirschipis and oppressionis" upon divers persons in the barony of Dirreltoun,—the said George and James Stalker, writers in Edinburgh, becoming sureties in relief. Edinburgh, 27th Nov. George Halyburton.

James Innes of Dreny for Mr. Williame Gordoun of Dunmethe, 300 merks, to answer before the King and Council upon 2nd February next to a complaint made against him by Lancie Reidquhord for his alleged coming to his dwelling house and mailling upon 4th May 1594 and casting him and his goods furth thereof. Mr. William Gordon.

Fol. 134, a.

Robert Douglas of Caschogle, as principal, and Mr. James M°Nacht of Dalpedder, as surety, 500 merks, and the said Robert for William Douglas, his eldest son and apparent heir, 400 merks, not to reset or intercommune with Johnne Schitlingtoun in Stanehous, who is denounced rebel for not finding caution to underlie the laws before the Justice for the slaughter of Fergus M°Michell. Edinburgh, 30th Nov. Robert Douglas and son.

Williame Cathcairt of Badarroch, and Johne Lokhart, fiar of Boghall, for Allane, Lord Cathcairt, 2000 merks, and for Johne Campbell, now at the mill of Kilmannan, Allane Rankene in Carneistoun, Andro Gilmour at the kirk of Quyltoun, Johne Chalmeris and Archibald Cauldwell in Clacquharnane, 300 merks each, not to harm Elizabeth Douglas, relict of George Mure, at the mill of Kilmannan. Edinburgh, 3rd Dec. Lord Cathcart and others.

Fol. 134, b.

Patrik Hepburne of Newmylne, as principal, and Johnne Wilkie, sheriff clerk and burgess of Haddingtoun, as surety, 1000 merks, not to harm George Ker of Faldounsyd. Patrick Hepburn.

Robert Moriesoun, burgess of Drumfreis, for Johnne Schutlingtoun, brother of Johnne Schutlingtoun in Stanehous, 200 merks, not to reset or intercommune with the said Johnne, his brother, put to the horn at the instance of Johne M°Michell and Cuthbert M°Cubine, with the other kin and friends of the late Fergus M°Michell, for not finding caution to underlie the laws for the slaughter of the said Fergus. Edinburgh, 6th Dec. John Shutlington.

Malcolme Dalrumple of Watersyd for George Douglas in Marquestoun, 300 merks, to answer before the Council upon 6th January next to a complaint given in against him by James, Earl of Glencairne, for the George Douglas.

taking, manning and victualling of the Castle of Glencairne. The band, registered by Johnne Halyday, advocate, is subscribed at the Watersyd, 3rd December, before Johnne Douglas, Thomas Fergusoun, Johnne Brouning,—Alexander Wrycht, servitor to Alexander Reid, writer, being the writer of the body of the obligation. Acta Cant. 1601–1605. Fol. 135, a.

James Walker and William Galt.

Johnne Boyd, fiar of Bollinschaw, for James Walker in Gallowayfurd and Williame Galt there, 300 merks each, not to reset or intercommune with Robert Steill in Crevoch and Johnne Steill there, rebels, during the time of their disobedience. The band, registered by Mr. Umphra Blinsele, advocate, is subscribed at Irvine, 2nd December, before William Stevisoun, notary, Johnne Neilsoun, messenger, Gilbert Garven, servitor to Hew Garven, court clerk of Irvine,—the said Hew, notary, writer hereof, subscribing for the principals. Fol. 135, b.

Holyrood, 7th Dec. David Heron.

Andro Hering of Little Blair and Captain Patrik Hering for David Hering of Lithindie, 5000 merks, to appear before the King and Council when required and answer to such things as shall be laid to his charge.

Edinburgh. 8th Dec.

Johne M^{c}Kie of Drumboy for Niniane Agnew in Mais, £500, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices foresaid,—including the said Patrik Ahannay, son of Harbert Ahannay in Crugiltoun, but omitting Alexander Ahannay, son of Patrik Ahannay of Kilphillane (*ante*, p. 768),—during the time of their rebellion. The band, registered by Mr. Umphra Blinsele, advocate, is subscribed at Stranrawer, 30th November, before Alexander M^{c}Dowell in Balker, Uthreid M^{c}Kie in Innermessen, Johne Torrans there, and Andro Agnew in Crechmoir,—James Glover, notary public, writer hereof, and William Gairdner, also notary public, subscribing for M^{c}Kie of Drumboy. Fol. 136, a.

John MacKie.

Nivine Agnew in Mais for Johne M^{c}Kie of Drumboy, £1000, not to harm Alexander Gordoun in Over Mundork. The band is registered, dated, and witnessed as above. Fol. 136, b.

Edinburgh, 9th Dec. Alexander Gordon.

Alexander Gordoun of Strathdoun appears and consigns in the hands of James Prymrois, Clerk of the Secret Council, the sum of £48, in obedience to the letters of horning executed against him by Umphra Sinclar in Logyalmond, proceeding upon a decree pronounced against him by the Lords of Secret Council at the instance of the said Umphra.

Edinburgh, 10th Dec. Mr. David Ogilvy.

James Ogilvy of Balfour for Mr. David Ogilvy of Pitmoweis, 5000 merks, to appear before the King and Council when charged and answer "to any mater of tressoun that can be layed to his charge, tuicheing his Hienes persone or estait." The band, registered by Mr. Oliver Colt, is subscribed at Edinburgh, 9th December, before James Gordoun and J. Syme. Fol. 137, a.

Patrick MacDougall.

Peter M^{c}Dowgall, fiar of Machirmoir, for Patrik M^{c}Dougall, tutor of Daregill, 500 merks, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices (*ante*, p. 768),—including Patrik Ahannay, but omitting Johnne Ahannay of Kirkdaill and Alexander Cuninghame of Powtoun,—during the time of their rebellion.

Edinburgh, 14th Dec.

Andro Ker of Romannograng, as principal, and William Ker of Wenden, Fol. 137, b.

:ta Caut. 01–1605.

as surety, 1000 merks, to enter before the King and Council Captain Johnne Ker, and Jeane Gib, his spouse, put to the horn at the instance of Captain William Murray, in case it be found that he ought to do the same. Andrew Ker.

Mr. James Grant of Ardinelie for Robert Innes, burgess of Elgyne, 500 merks, not to harm James, Earl of Murray. Edinburgh, 15th Dec. Robert Innes.

David Isak, servitor to my Lord of Kinlos, for dame Helenor Bruce, Lady Essilmounth, to pay to Mr. George Bisset, mair of fee of the shire of Aberdene, (1) the sum of 30s. for each poundland of the lands of her mansion of , lying in the Chanonry of Aberdene, alleged to extend to a seven poundland, for her part of the taxation of £100,000 granted for the Prince's baptism, (2) 16s. for each poundland of the said lands for the taxation granted for the Borders, (3) 40s. for each poundland of the said lands for the taxation of 200,000 merks, (4) 20s. for each poundland of the said lands for the late taxation of 100,000 merks,—extending in all to £37, 2s.,—in case it be found that she ought to do the same, after discussing of the reasons of suspension. Edinburgh, 16th Dec. Dame Helen Bruce, Lady Esslemont.

:l. 138, a.

Johnne Forbes of Burghis, George Ogilvie of Carnusie, and Alexander Murray of Cubardy, for Thomas Meldrum of Eden, 5000 merks, to answer before the King and Council, when charged, to all such things as may be imputed to him upon the deposition of Allester M^cLoran, presently in ward, for false cunyie, or to any other accusation that may be laid to his charge concerning the said false cunyie. Edinburgh, 17th Dec. Thomas Meldrum.

:l. 138, b.

Johnne Lyndsay of Covingtoun for Gavin Lyndsay, his father-brother, 300 merks, to answer before the King and Council upon 6th January next to a complaint made against him by Alesoun Edmestoun, touching the "ravisching and awaytaking of hir" and other crimes committed by him. Edinburgh, 18th Dec. Gavin Lindsay.

Alexander Dumbar of Cumnok, sheriff of Murray, for Alexander, Lord of Spynie, 3000 merks, and for David Gardin, fiar of Leyis, £500, not to harm Johnne Scrymgeour of Gleswell. The band, registered by Mr. David Aytoun, advocate, is subcribed at Edinburgh, 10th March 1602, before George Gairdyn of Lawtoun, Patrik Ramsay, servitor to the said noble lord, and Johnne Lyndsay, writer hereof, servitor to Sir Walter Lyndsay of Balgayis. Lord Spynie and David Garden.

:l. 139, a.

Francis, Earl of Errol, great constable of Scotland, for Patrik Cowpland of Idach, and Alexander Cowpland, his son, fiar thereof, not to harm Magnis Mowat, fiar of Boquhollie, under the pains in the King's letters dated at Edinburgh 3rd instant. The band, registered by Mr. Patrik Forrest, advocate, is subscribed at Erroll, 18th December, before Patrik Con of Awchry, Patrik Con, his son and apparent heir, with Robert Crychtoun, and Robert Hay, notary public, writer hereof, "our servitouris." Edinburgh, 23rd Dec. Patrick Copland and his son.

:l. 139, b.

David Betoun, son of Mr. Alexander Betoun of Carsgownie, as principal, and David Gairdin of Lawtoun, as surety, not to harm the provost, bailies, council, and inhabitants of Aberbrothok, under the pains contained in the King's letters. Edinburgh, 24th Dec. David Beton.

Mr. George Bisset, as principal, and Abacok Bisset, writer, as surety for Edinburgh, 28th Dec.

Mr. George Bisset and others.

him, and for Johne Gordoun of Boigis, sheriff-depute of the shire of Aberdene, James Gordoun of Knokespik, George Bisset of Eastfeild, and Andro Bisset, fiar thereof, that they will pay within 40 days hereof to the Treasurer £30 for their escheat goods fallen into the King's hands through their being denounced rebels at the instance of Mark, Lord of Newbottle, collector general of the taxation of 200,000 merks, and at the instance of Ludovik, Duke of Lennox, and Johne, Earl of Mar, collectors of the late taxation of 100,000 merks, for non-payment to them of certain sums for the taxations of their lands lying in the shire of Aberdene. Acta Caut. 1601–1605. Fol. 140, a.

Alexander Cullen.

Gilbert Cullane, merchant, burgess of Aberdene, for Alexander Cullane, late provost of the said burgh, £1000, not to harm Gilbert Meinzeis of Pitfoddellis, conform to the King's letters dated at Edinburgh 12th July 1602. The band, registered by Robert Hammyltoun, advocate, is subscribed at Aberdene, 24th December, before Mr. Thomas Mollesoun, common clerk of Aberdene, David Mar, burgess there, Walter Robertsoun, clerk-depute of Aberdene, writer hereof, and Johnne Robertsoun, his brother. Fol. 140, b.

Thomas Menzies and Alexander Rutherford.

Thomas Meinzeis of Durne, present provost of Aberdene, and Alexander Rutherfurd of Rubbislaw, late provost there, the one for the other, 2000 merks each, to the same effect. Band is executed as above.

Edinburgh, 3rd Jan. 1603. Alexander Penicuick.

Alexander Pennycuke of that Ilk, as principal, and Thomas Porteous of Glenkirk, as surety, £500, not to harm Mr. James Frenche, schoolmaster of the Cannongait. Fol. 141, a.

Edinburgh, 5th Jan. James Maxwell.

Thomas [? James] Maxwell, brother of Alexander Maxvell of Buitilmanis, as principal, and Williame Maxvell of Gribtoun, as surety, £500, not to harm James Lyndsay of Fairgirth, elder.

Edinburgh, 7th Jan. Walter Herries.

Walter Herryis of Knokinschunnoch, as principal, and Robert Herreis of Lawstoun, as surety, 500 merks, to answer before the King and Council upon 25th January to a complaint made against him touching the hearing of mass; also, to pay the Treasurer the sum of £20 for his escheat fallen through his being denounced for the cause foresaid. Fol. 141, b.

Gavin Hamilton.

Robert Hammyltoun, elder of Dalsarff, for Gavin Hammiltoun of Roploch, 2000 merks, not to harm Johnne Hammiltoun of Newtoun. The band, registered by Cornelius Tennent, advocate, is subscribed at Dalsarff, 5th January, before Claud Hammiltoun, son of the said Gavin, Gavin, Robert, and Claud Hammiltounis, servitors to the said Gavin, and Johne Symsoun in Dalsarff. Fol. 142, a.

Johnne Dumbar of Monyweik for Williame Dumbar, elder of Enterkin, 2000 merks, not to harm James Chalmer of Gadgirth.

Edinburgh, 12th Jan. William Dunbar, elder. William Dunbar, younger, and others.

Williame Dumbar, elder of Enterkin, for Williame Dumbar, younger of Enterkin, Johne Dalrumple of Stair, Edward Wallace of Seweltoun, 2000 merks each, and for George Dumbar, the surety's brother, 400 merks, to the effect foresaid. The band, registered by Mr. Johnne McGill, advocate, is subscribed at Mauchlane, 1st January, before Williame Campbell of Grenokmanis, Robert Aikene, notary, in Machline, and Peter Roger, writer hereof. Fol. 142, b.

David Dunbar.

Archibauld Dumbar, son of Williame Dumbar of Enterkin, for David

cta Caut. 501–1605. ol. 143, a.

Dumbar, his brother, 400 merks, also to the effect foresaid. The band is registered, dated, and witnessed as above, with the addition of Mr. Peter Prymrois, minister at Meline, as a witness.

David Dumbar, son of Williame Dumbar of Enterkin, for Robert and Archibauld Dumbaris, his brothers, 400 merks each, also to the effect foresaid. The band registered, dated, and witnessed as above. Robert and Archibald Dunbar.

ol. 143, b.

James Lyndsay, fiar of Fairgirth, for James Lyndsay, elder of Fairgirth, his father, £1000, not to harm Thomas Maxvell, brother of Alexander Maxvell of Buitilmanis. Edinburgh, 20th Jan. James Lindsay.

James Sibbald of Rankelour, as principal, and Williame Rattray, chirurgeon, burgess of Edinburgh, as surety, £100, to buy from Sir Micchell Balfour of Balgarvy such sorts of arms as his Majesty and Lords of Secret Council shall think expedient as effeiring to his estate, in case it be found that he ought to do the same. Edinburgh, 22nd Jan. James Sibbald.

Williame Maxvell of Gribtoun and James Carrane of Killochie for James Murray in Suffok, and Cristeane Makno, his spouse, 500 merks, and for Robert and Johnne Murrayis, his sons, either in 300 merks, not to harm Johnne Chartiris of Fussok. James Murray and family.

ol. 144, a.

Thomas Duschingtoun of Ardros, as principal, and Williame Leirmounth, younger of Dairsie, as surety, 2000 merks, not to harm Andro Clark, sometime in Ardros. Edinburgh, 24th Jan. Thomas Dishington.

Mr. Andro Boyd, parson of Eglishame, as principal, and Archibauld Hiegait, burgess of Glasgow, as surety, *et vice versa;* said Boyd and Hiegait for Sir George Elphinstoun of Blythiswod; and the said Hiegait for William Hiegait, his son,—not to reset or intercommune with Adame Boyd, son of the Lord Boyd, who is denounced rebel at the instance of Mr. Patrik Walkinschaw, minister, for certain causes specified in the letters directed thereupon, under the pains following: viz., Boyd and Elphinstoun, either of them in £500, and Hiegait and his son, either of them in 300 merks. Mr. Andrew Boyd and others.

ol. 144, b.

James Schort, merchant, burgess in Stirling, for Andro Cowane, burgess there, 3000 merks, not to harm Geillis Grahame, relict of James Archibauld, burgess there. The band, registered by James Stirling, advocate, is subscribed at Stirling, 20th March 1602, before Johnne Sinkler, commissary clerk of Dunblane, William M^cGhie, and Johnne Halden,—Johnne Adamesoun, notary, being the writer of the obligation. Andrew Cowan.

ol. 145, a.

Johne Cleland of Foskane for Robert Boyd of Badinhaith, £500, not to reset or intercommune with Adame Boyd, son of the Lord Boyd, during his rebellion. Edinburgh, 26th Jan. Robert Boyd.

Captain James Hunter, burgess of Edinburgh, to pay to Sir George Home of Spot, treasurer, the sum of £200 due by George Murray of Brochtoun to the said Sir George, and that by 1st April next,—Johnne Murray, son of the Laird of Cokpuill and servitor to his Majesty, becoming surety in relief. Captain James Hunter.

ol. 145, b.

James Gordoun of Auchmull for Thomas Gordoun of Grandhame, £1000, not to harm David Menzeis, Alexander Andersone, James Menzeis, Thomas Gordon.

Andro Knowis, Alexander Forbes, Mr. David Forbes, and Thomas Forbes, burgesses of Aberdene, heritable feuars of the salmon fishings of the "croves" upon the water of Done, conform to the letters of lawburrows raised against him dated at Edinburgh 24th July 1601. The band, registered by Mr. Lowrence Mackgill, advocate, is subscribed at Aberdene, 22nd January, before Johne Gordoun of Crabistoun, Robert Stewart, burgess of Aberdene, Alexander Andersone in Bacheline, William Davidsoun in Common Mure, James Davidsoun, notary public, writer hereof, and Mr. Gilbert Ros, co-notary. Acta Caut. 1601–1605.

Edinburgh, 28th Jan. Donald Reid.

Donald Reid M°Nebir in Tullimet, as principal, and Murdo Reid, tailor, burgess of Edinburgh, as surety, £100, to answer upon 1st March next to a complaint against him by Johnne M°Eandoyn, sometime in Tullimet, touching the alleged ejection of him furth of the lands of Balligoun, and reiving of his kye, plenishing and goods. Fol. 146, a

Alexander Kincraigy.

Mathow Drummound, flesher, burgess of Edinburgh, for Alexander Kincragy in Haltoun, 100 merks, to buy from Sir Micchell Balfour of Balgarvy a stand of horsmen's arms, in case it be found that he ought to do the same,—David Carmichell in Newburgh becoming surety in relief.

Edinburgh, 2nd February. William Crichton.

William Creichtoun (Creicht) of Darnehundie, sheriff, for William Creichtoun in Hill, not to reset or intercommune with Johnne Hair in Glenquhirry, or Agnes Charterhous, relict of Mr. Robert Creichtoun of Carco,—put to the horn for certain crimes specified in the King's letters, and also excommunicated for the crime of adultery,—while they remain rebels, under the pain of 500 merks, conform to the charge given to the said William at the instance of Sir George Home of Spot, treasurer. The band, registered by Mr. Lowrence M°Gill, advocate, is subscribed at Sanquhar, 27th January, before Johnne Creichtoun, notary, Johnne Carmichaell, younger in Spoith, and Symoun Lowrie in Sanquhar, writer hereof. Fol. 146, b.

Patrick and Robert Hair.

William Creichtoun of Hill for Patrik Hair in Glenquhirry, 500 merks, and for Robert Hair in Lethanealoane, 200 merks, to the effect foresaid. The band, registered as above, is subscribed at Sanquhar, 29th January, before Johnne Carmichaell, younger in Spot, William Herroun in Glenquhirry, and Symone Lowrie, writer hereof. Fol. 147, a.

Edinburgh, 3rd February. John Carmichael and others.

Robert Dalzell, younger of that Ilk, for Johne Carmichell in Spoth, Eduard Carmichell, his son, and Robert Davidsoun, burgess in Sanquhar, 200 merks each, also to the effect foresaid. The band, registered as above, is subscribed at Eliok, 30th January, before Robert Dalzell, apparent, his son, Gawin Dalzell, Robert Dalzell, son natural, Johne Dalzell, son natural of the said Robert,—Symone Lawrie being the writer.

Edinburgh, 4th February. John Russell.

Thomas Fleming, merchant burgess of Edinburgh, for Johnne Russell in Danikbank, 200 merks, also to the effect foresaid. Fol. 147, b

Robert Galbraith.

Robert Galbraith of Culcreuch, as principal, and Robert Sterling of Letter, as surety, 2000 merks, not to harm Johne Stewart of Rosland.

Edinburgh, 5th February.

James, Commendator of Inchechafray, for Donald M°Innes, that, on being

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freed furth of the tolbooth of Edinburgh, where he is warded, he will remain in Edinburgh till Thursday next 10th instant and then either satisfy Andro Spaulding of Eschintully for the claim for which he is warded, or else enter again in ward within the said tolbooth under pain of such satisfaction. Donald Mac-Innes.

Fol. 148, a.

Alexander Douglas, macer, for Thomas Inglis in Old Listoun and Thomas Inglis, his son, either in £100, to buy from Sir Micchell Balfour of Burley a stand of horsemen's arms each, in case it be found that they ought to do so. Thomas Inglis and son.

Andro Naper, burgess of Edinburgh, for Mr. Johnne Russell, advocate, to pay to Williame Glasco, Jeane Fairlie, his spouse, and James Purves, their servant, the sum of 10s. each daily, counting from 25th May last to 29th June following, for their entertainment during the time of their ward in the tolbooth of Edinburgh, in case it be found that he ought to do so after discussion of the suspension raised by him against them; also, to pay to the Treasurer, within 40 days hereof, £20 for his escheat goods fallen by the horning executed at the instance of the said William against him. Edinburgh, 7th February. Mr. John Russell.

Williame Dumbar of Hemprigis, as principal, and George Pringle of Vuroun and Patrik Mortymer of Myroun, as sureties, £500, to answer upon 29th March next (1) to a complaint made against him at the instance of Mr. James Dundas, chantor of Murray, for the non-entry of Thomas Douglas, alleged to be his man, charged with "feinyeing, inventing, wryting and subscryving" certain evidents, (2) to a complaint at the instance of Robert Dumbar of Burgie, touching the said Williame's pursuit of him with hagbuts and pistolets; also, to enter the said Thomas when required, in case it be found that he ought to do so; farther, to pay to the Treasurer 200 merks for his escheat goods, fallen by the hornings used against him for the causes abovewritten, in case he has any goods outwith the regality of Kinlos. William Dunbar.

Fol. 148, b.

Malcolm Pringle, merchant, burgess of Edinburgh, for Mr. Alexander Hammyltoun of Kinglas, £100, to buy from Sir Micchell Balfour a complete stand of horsemen's arms, in case he ought. Edinburgh, 10th February. Mr. Alexander Hamilton.

Fol. 149, a.

George Ousteane, tailor, burgess of Edinburgh, for Robert Campbell, son of the Laird of Glenorquhy, £100, to the same effect. Robert Campbell.

James Lindsay of Dowhill for Johne Andersoun in Burnesyde, 500 merks, to remain in Edinburgh or the Cannogait till 17th instant, and on that day present himself before the King and Council to hear and see the witness to be produced against him by James Strauchane, burgess of Dundie, sworn and admitted, and not depart till that process be concluded and he be relieved. John Anderson.

George Muschet of Tolgarth for Robert Galbraith of Culcreuch, 2000 merks, not to harm Johnne Stewart of Roisland. Edinburgh, 11th February. Robert Galbraith.

Fol. 149, b.

Johnne Traill of Blebo, as principal, and Robert Wod, apparent of Grenesyd, as surety, 2000 merks, not to harm Williame Hervie, son of the late Mr Williame Harvie, advocate. Traill of Blebo.

James Crichton.

James Gordoun, younger of Lesmoir, for James Creichtoun, younger of Frendraucht, to enter Niniane Creichtoun, Johnne Creichtoun, Robert Irvine, Williame Lumsdane, and Niniane Creichtoun, his household men, before the King and Council upon 9th March next, to answer to the complaint against them by Johnne Lesly, son of Normound Lesly in Adindarak, touching the "unbesetting" of the said Johne at the market of Strabogie and pursuing of him with batons and rungs, under the pain of 300 merks for each person unentered. Acta Caut. 1601–1605.

Edinburgh, 12th February. Philip Darling and others.

Robert Cairnecors, merchant, burgesses of Edinburgh, for Philop Darling in Apeltries, Andro Darling, younger, there, Andro Darling, elder, there, Johnne Hay in Colmisliehill, Johnne Moffet in Threipwod, James Moffet there, Adame Hall there, Williame Moffet there, Johnne and Eduard Rowmanis in Blanisly, George Rowmannis there, Thomas Fogo there, George Greif there, William Thin there, James Stirling there, Williame Hall there, Thomas Lyell there, 100 merks each, to buy each from Sir Micchell Balfour of Burley "sic quantitie of armis as effeiris to thair rank," in case it shall be found that they ought to do so. Fol. 150, a.

John Wair and others.

Robert Cairnecors, merchant, burgess of Edinburgh, for Johnne Wair in Eildoun, Nicoll Bowar there, Richard Sklaittir there, Robert Middlemest there, Mungo Andersoun in Newtoun, Johnne Huttoun there, Johnne (? Andersoun) Reidheid there, Johnne Andersoun there, and the said surety, and Quintene Boustoun, merchant, burgess of Edinburgh, for Thomas Hoy in Gatounsyd, Johnne Cairnecrois there, Johnne Maben there, Quintene Thomsoun there, George Horne there, Robert Dunnent there, Johnne Boustoun there, Thomas Boustoun there, James Lichen there, Patrik Halywell there, Johne Thomsoun there, Quintene Bartane there, ~~and Walter Cleis in Danyeltoun,~~ 100 merks each, to the effect foresaid.

John Kyle and others.

Archibauld Layng, merchant, burgess of Edinburgh, for Johnne Kyll in Allusudden, James Stoddart there, James Cowdoun there, Johnne Bryden there, Johnne Jamesoun there, Thomas Haistie there, William Rutherfurd there, Robert Huntar there, Mungo Purves there, Andro Stoddart there, Micchell Gibsoun there, Thomas Vuis there, and Thomas Kyle there, 100 merks each, also to the effect foresaid,—Thomas Davidsoun in the Potterraw becoming surety in relief. Fol. 150, b.

Mr. James Stewart.

Alexander Boyd of Seat for Mr. James Stewart, commissary of Dunkeld, 1000 merks, not to harm James Naismyth of Inwair. Mr. Patrik Murray, advocate, registers the band, written by Johnne Reid in Dunkeld, and subscribed at Dunkeld, 8th February, before James Merschell, burgess of Perth, William Fyff, notary in Dunkeld, and said Reid. Fol. 151, a.

Edinburgh, 15th February. James Naismith.

James Nasmyth of Inver, as principal, and Andro Haliburtoun at the mill of Blair, as surety, £500, not to harm the said Commissary.

Robert Hurim and others.

Robert Cairnecors, merchant, burgess of Edinburgh, for Robert Hurum in Blakchester, Alexander Weddell there, William Weddell, Henry Staig there, William Johnnestoun in Pilmure, Patrik Johnestoun there, Archibald Wilsoun there, Thomas Mylkum there, and William Mylkum there, 100 merks each, each to buy from Sir Micchell Balfour of Burley a

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complete stand of footmen's arms, in case it be found that they ought to do the same,—Johnne Home in Hullistoun becoming surety in relief.

Fol. 151, b.

James Crawfurd, goldsmith, burgess of Edinburgh, for Archibauld Hammyltoun, apparent of Bairfute, £100, to buy from Sir Micchell Balfour a complete stand of horsemen's arms. Archibald Hamilton.

Robert Falconar of Ballandro for George Barclay of Matheris, £1000, and for David and Walter Barclayis, his sons, either in £500, not to harm David Lame at the Kirk of Aberluthnot. Edinburgh, 16th February. George Barclay and sons.

Johnne Hammiltoun, maltman, burgess of Edinburgh, for Thomas Porteous of Glenkirk, to pay within 40 days hereof to the Treasurer £20 for his escheat goods fallen by the horning used against him at the instance of Archibauld Prymrois for non-payment of the taxation of certain of his lands imposed for the Lord Uchiltrie's wages and entertainment the time that he was lieutenant at Drumfreis. Thomas Porteous,

Fol. 152, a.

Alexander M°Kie of Balseir for Alexander Ahannay of Sorbie, Johnne Ahannay, his son and apparent heir, and Johnne Ahannay of Kirkdaill, 300 merks each, and for Robert and Archbauld Ahannayis, sons of the Laird of Sorbie, and Alexander Ahannay, son of Patrik Ahannay of Kilfillane, 200 merks each, to answer before the King and Council upon 15th March next to a complaint made against them by the Treasurer and George Murray of Brochtoun, touching their hurting the said George and his men with hagbuts and pistolets; also, not to harm the said George, under the pains contained in the King's letters. Edinburgh, 19th February. Hannay of Sorbie and others.

Fol. 152, b.

Sir James Stewart of Auchmadeis and Williame Duncane of Parkland for Andro Pitcairne, servitor to Johne, Earl of Athoill, 500 merks, not to harm James Nasmyth of Inver. Andrew Pitcairne.

Williame Andersoun, burgess of Edinburgh, for Laurence Oliphant of Condie, £100, to buy from Sir Micchell Balfour a complete stand of horsemen's arms. Laurence Oliphant,

George Herrys of Tarranechtie for Williame Currour in Dulquharne, 500 merks, not to harm James Currour in Soline. Johnne Halyday, advocate, registers the band, written by Johne Welsche, writer, and subscribed at the Brigend of Drumfreis before Johnne Herries, younger of Tarranechtie, Johnne M°Ghie, notary, Johnne Gibsoun, flesher, burgess of Drumfreis, and the said writer. William Curror.

Fol. 153, a.

Robert Logane of Persounisknowis for Paull Hammiltoun, keeper of Brydach, 300 merks, to answer before the King and Council upon 29th April next to a complaint made against him by Robert Montgomry of Skelmourly and Margaret M°Myllane in North Sannok, touching the taking of Duncane M°Alves as prisoner and reiving of certain insight and plenishing. Edinburgh, 23rd February, Paul Hamilton.

James Nasmyth of Inver, as principal, and Mr. Walter Stewart of Blakhillis, as surety, 500 merks, not to harm Andro Pitcairne, servitor to the Earl of Athoill. Edinburgh, 24th February. James Naismith.

Fol. 153, b.

Johnne Borthuik, baxter, burgess of Edinburgh, for Johnne Hendersoun in Prestoun, Johnne Falconar, Johnne Bankis, and Johnne Craig in John Henderson and others.

Prestounpanis, £50 each, to buy each from Sir Micchell Balfour a stand of footmen's arms, in case it be found that they ought to do so. Acta Caut. 1601-1605.

James Adamson. Mark Achesoun of Mylneheavin for James Adamesoun of Couthroppell, £1000, not to harm Andro Craig, merchant, burgess of Edinburgh,—Mr. Thomas Wilsoun, advocate, registering the band, written by Alexander Wrycht, writer, and subscribed at Edinburgh, 24th February, before Robert Bannatyne, writer, the said Alexander, and Umphra Gillespie and James Reid, servitors to the said James Adamesoun. Fol. 154, a.

Edinburgh, 26th February. James Gordon. James Gordoun, fiar of Lesmoir, as principal, and Archibauld Ros, merchant, burgess of Edinburgh, as surety, 2000 merks, to answer before the King and Council upon 10th March to a complaint against him by the Treasurer and Advocate for wearing and using hagbuts and pistolets and committing sundry acts of oppression.

William Muirhead. Eduard Meikiljohne, merchant, burgess of Edinburgh, for Williame Murheid in Gullane, £100, to buy from Sir Micchell Balfour of Burley a complete stand of horsemen's arms.

James Somerville. Patrik Ronnald, baxter to his Majesty, for James Sommervaill, merchant, burgess of Edinburgh, £100, to answer when charged touching the exchanging of 13 dollars contrary to the tenor of the Acts made thereanent. Fol. 154, b.

Sir James Douglas. Archibauld Douglas of Pittindrich for Sir James Douglas of Drumlanrig, to pay by 3rd March next to Sir George Home of Spot, treasurer, 1000 merks in one sum; also, on being freed furth of his present ward in the castle of Edinburgh, to remain in the said burgh till he find sufficient sureties, burgesses of Edinburgh, for payment to the said Treasurer of the sum of £2652, 0s. 8d., between this date and two days before Whitsunday next, under the pain of £10,000.

Edinburgh, 28th February. James Donald and others. Mr. Richard Andersoun, burgess of Muntros, for James Donald, younger, Alexander Young, Robert Wischart, Robert Baverlay in Monytrivok, Robert Hervie, Alexander Wentoun, George Summer, Thomas Glester in Elrik, Thomas Moir, William Moir, and Johnne Myll, 300 merks each, not to reset or intercommune with Patrik Buttir,—who is put to the horn at the instance of Andro Harvie of Denistoun,—during the time of his rebellion. Fol. 155, a.

George Smith and others. Alexander Stewart, merchant, burgess of Edinburgh, for George Smyth in Eistbarnis, William Meslet there, Johnne Brysoun there, Johnne Guillane there, Johne Purves there, George Meslet there, Williame Wolff there, Thomas Home there, Williame Wat there, David Liddell in Westbarnis, Williame Liddell there, and Williame Kellie there, £50 each, to buy each of them from Sir Micchell Balfour of Burley a complete stand of footmen's arms, in case they ought to do so.

George Stewart. Johnne Stewart of Renneche (Granych) for Johnne [? George] Stewart, son of the late George Stewart of Drumquheill, 500 merks, that, on being relieved furth of the tolbooth of Perth, where he is now in ward at the instance of the Laird of Glenorquhy, he shall enter again in the said tolbooth when required or satisfy the party.

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David Hog, baxter, burgess of Edinburgh, for Williame Smeybaird in Aberlady and Alexander Tailyeour in Mungoiswellis, either in £50, each to buy from Sir Micchell Balfour of Burley a stand of footmen's arms. Edinburgh, 2nd March. William Smiebard and Alexander Taylor.

Fol. 155, b.

Isack Patersoun, tailor, burgess of Edinburgh, for Williame Foirman in Inveresk, Williame Merstoun there, Robert Douglas there, and Robert Warnok there, £50 each, to the effect foresaid. Edinburgh, 3rd March. William Forman and others.

Johnne Stevinsoun, merchant in Edinburgh, Williame Fiddes, baxter there, and Johnne Ker, brother of Thomas Ker of Caveris and burgess of the said burgh, for the said Thomas Ker, 6000 merks, that, on being freed furth of his present ward in Edinburgh Castle, he shall remain in the said burgh and satisfy by 12th instant Sir George Home of Spot, treasurer, in such things as he has to lay to his charge, or shall then re-enter in the said Castle,—Alexander Horsburgh of that Ilk, Thomas Ker of Caveris, and Johne Ker, his brother, becoming sureties in relief. Deleted by a warrant subscribed by the Treasurer, of date at Edinburgh 12 March 1603, in respect of a new caution found upon that day: J. Prymrois. Edinburgh, 4th March. Thomas Ker of Cavers.

Fol. 156,

David Carmicheall of Quhelphill for Alexander Kincragy in Haltoun, to pay to the Treasurer within 40 days hereof the sum of £20 for his escheat goods (if he has any outwith the regality of Lundoiris) through his being put to the horn at the instance of Sir Micchell Balfour of Burley for not buying from him certain arms. Alexander Kincraigy.

Alexander Dumbar of Tarbert for Alexander Dumbar, son of Alexander Dumbar of Thornehill, 300 merks, to answer before the King and Council upon 17th June next to a complaint against him by Alexander Dumbar of Lochiehillis, touching the bearing and using of hagbuts and pistolets. Alexander Dunbar.

Johnne Sinclar of Ratter, as principal, and Mr. Johne Mansoun in Blakmyre, as surety, 1000 merks, not to harm George Sinclar in Bankheid of Ardes. Edinburgh, 7th March. John Sinclair.

Fol. 156, b.

Hew Broun, merchant, burgess of Edinburgh, for the bailies and inhabitants of Mussilburgh and Fischerraw, £100, to buy from Sir Micchell Balfour of Burley, or Colonel Bartilmo Balfour, his factor, a complete stand of footmen's arms in case it be found that they ought to do so,—Johnne Broun, one of the bailies of Mussilburgh, and George Bennet, town clerk thereof, becoming sureties in relief. Edinburgh, 9th March. Bailies of Musselburgh and Fisherrow.

Williame Nicolsoun, merchant, burgess of Edinburgh, for Johnne M°Intosche, son of Lauchlane M°Intosche of Dunnachtane, 5000 merks, that, on being relieved furth of ward, he shall remain in Edinburgh and re-enter in ward upon 20th April next in the castle of Edinburgh. Edinburgh, 10th March. John MacIntosh.

Johnne Howme of Coldounknowis for George, Earl of Caithnes, 5000 merks, not to harm George Sinclair of Bankheid of Ardes. Edinburgh, 11th March. Earl of Caithness.

Fol. 157, a.

Sir George Home of Wodderburne and Johnne Home of Coldounknowis for Johnne Home, apparent of Blacader, 2000 merks, not to harm Beatrix Home, relict of Johnne Home, sometime master hunter to his Majesty, conform to the charge given to him by Archibald Dowglas, macer to the Secret Council. Mr. Thomas Craig, advocate, registers the band, written by Johnne Dowar, notary, and subscribed at Woddirburne and Coldoun- John Home.

knowis, 27th and , before Mr. James and Johnne Homes, brothers of the said Sir George, James Pringell of Langschaw, Thomas Cranstoun, Merk Home, and the said writer hereof. Acta Caut. 1601–1605.

Edinburgh, 12th March. Thomas Ker of Cavers.

Thomas Ker of Cavers, as principal, and Johnne Stevinsoun, merchant, burgess of Edinburgh, and William Fiddes, baxter, burgess there, as sureties, £2000, to enter in ward by 12th June next within the castle of Edinburgh and remain there till freed by the King with advice of Sir George Home of Spot, or else satisfy the said Treasurer in such sums as he has to lay to his charge (*ante*, p. 779). James Pringle of Gallowscheillis and the said Johnne Ker become sureties in relief, together with the said principal, and George Ker, his son and apparent heir. Deleted by a warrant dated 20th June: A. Hay. Fol. 157, b.

Lindsay of Kinfauns.

James Pringle of Gallowscheillis for Sir Hary Lindsay of Carestoun, 5000 merks, not to harm Patrik Eviot, brother of Coline Eviot of Balhoussie.

Robert Hannay.

Hew Gordoun of the Grange for Robert Hannay in Boighous of Mochrum, £500, not to reset or intercommune with Johnne Gowne (M^{c}Gowne, Gowane) of Skeoch, provost of Quhithorne, during his rebellion, conform to the charge given to him by Allan M^{c}Gill, messenger, at the instance of Sir George Home of Spot, treasurer, and Uthred M^{c}Dowall of Mundork. Mr. Johnne Leirmonth, advocate, registers the band, written by Michaell Cochrane, notary, and subscribed at Wigtoun, 7th March, before said notary, Johnne Turner, notary, Johnne Reid in Wigtoun, and Johnne Dumbar, apparent of Carloch (Creloche). Fol. 158, a.

John Hannay of Kirkdale,

Alexander Hannay of Sorbie for Johnne Ahannay of Kirkdaill, sometime provost of Wigtoun, £500, to the effect foresaid,—the said advocate registering the band, written by Johnne Turner, notary, and subscribed at Wigtoun, 7th March, before said Johnne Dumbar, Archibald Ahannay, "my sone," Johnne Turner, notary, and Patrik Edzer in Wigtoun. Fol. 158, b.

John Dunbar.

Johnne Ahannay of Kirkdaill for Johnne Dumbar of Craloch, £500, also to the effect foresaid. The band, registered and dated as above, is subscribed before Alexander Ahannay of Sorbie, Archibald Ahannay, his son, Johnne Turner, notary, and Patrik Edzer in Wigtoun. Fol. 159, a.

John Hannay, younger of Sorbie.

Alexander Ahannay of Sorbie for Johnne Ahannay, his son and apparent heir, £500, also to the effect foresaid,—the said advocate registering the band, written by Michaell Cochrane, notary, dated as above, and witnessed by Johnne Dumbar, apparent of Craloch, the said writer, Johnne Turner, messenger, and Johnne Reid in Wigtoun.

Alexander Hannay.

Johnne Ahannay of Kirkdaill for Alexander Ahannay of Sorbie, £500, also to the effect foresaid,—the band registered, dated and witnessed as above. Fol. 159, b.

Edinburgh, 14th March. James Small.

Robert Gray of Cranislie for James Small, servitor to the Lord Gray, £100, not to harm Andro Philp, hammerman, burgess of Dundie.

Archibald Newton and others.

Williame Fiddes, baxter, burgess of Edinburgh, for Archibauld Newtoun in Tranent, Johnne Broderstanis there, Patrik Cuninghame there, Johnne

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Cowie there, David Hendersoun there, Thomas Craig there, Johnne Erskyne there, and David Cowane there, £50 each, to buy each of them from Colonel Bartilmo Balfour a complete stand of footmen's arms in case it be found they should do so.

Fol. 160, a.

James Schort, merchant, burgess of Striviling, for Androw Cowane, burgess there, and Johnne Cowane, his son, either in 500 merks, not to harm Adame Archibald, burgess there, or molest him in his tenement of land and waste land belonging to him within the said burgh, conform to the charge given to them, dated 20th February 1603. Joseph Myllar, advocate, registers the band, written by William Forrest, son of Johne Forrest, burgess of Striviling, and subscribed at Striviling, 14th March, before Johne Murray of Calsayend, Archibald Allane, notary in Striviling, Johne Sinclair, commissary of Dumblane, and Walter Cowane. Edinburgh, 15th March. Andrew Cowan and son.

Robert Stewart, burgess of Lynlythgow, for Patrik, Earl of Orknay, £2000, to deliver the house of Noltland, in the isle of Westra in Orknay, to the King's herald and officer, conform to the charges directed at the instance of Sir Andro Balfour of Montquhanny, in case it be found he ought to do the same. Earl of Orkney.

Fol. 160, b.

Thomas Abercrumby of that Ilk appears and consigns in the hands of James Prymrois, Clerk of Council, the sum of £40, as the price of a mare belonging to Johnne Spaulding in Gornok, conform to the charge of horning executed against him,—said sum to be delivered to Spaulding if the suspension obtained by Abercrumby against him should fail. Edinburgh, 18th March. Thomas Abercromby.

Sir Walter Lyndsay of Balgayis for Alexander Lyndsay, younger of Kethik, 500 merks, not to harm Cristeane Hind, relict of David Hind in Kethik, or Johnne Hind, smith in Kethik, her son,—the said principal becoming surety in relief,—under the pain of 1000 merks. Edinburgh, 19th March. Alexander Lindsay.

James Lindsay of Dowhill for Thomas Forrestar of Strathanrie, to "wair and bestow" faithfully the duty granted for reparation of the bridge of Gairny upon the same, conform to the Act of Council, and to account for his intromission with the said impost when required. Thomas Forrester.

Fol. 161, a.

Robert Rollok, bailie of Brechin, for Johne Dakeris in Kindochwod, and Mr. Thomas Ramsay, also bailie of the said city, for Andro Kelly there, Charlis Blak there, and Robert Neisch there, 200 merks each, not to harm Margaret Crawmond, relict of Captain Alexander Ramsay and of the Seate. Joseph Miller, advocate, registers the band, written by Johne Murray, notary in Brechin, and subscribed at the said city, 16th March, before Mr. Johne Rollok, son of the said Robert, Thomas Ogilvy and Johne Langwill, citizens of Brechin, Johne Wat, maltman, citizen there, Johne Lyoun, servitor to the said Mr. Thomas, William Weymis in Brechin, James Lyoun of Easter Ogill, and Johne Lyoun, writer.—Johne Murray and Alexander Kessane, notaries public, subscribing for the principals and the said Robert Rollok. John Dakers and others.

Sir James Dowglas of Drumlangrig having, conform to the act of caution of date 26th February last (*ante*, p. 778), paid to Sir George Home of Spot, treasurer, the sums of 1000 merks and £2652, 0s. 8d., Edinburgh, 22nd March. Sir James and Archibald Douglas.

the said Treasurer discharges the said Sir James, and Archibald Dowglas of Pittindreich, his surety, of the said obligation for ever, and consents to the registration of this acquittance, written by Robert Phillope, notary, and subscribed at Haliruidhous, 22nd March, before James Foirman, Johne Byris, Johne Kello, burgesses of Edinburgh, and the said notary. Acta Caut. 1601–1605. Fol. 161, b.

John Vaus. Alexander Vaus, merchant, burgess of Edinburgh, for Johnne Vaus of Lochslyne, to pay to George Ros of Balnagoun, David Ros, his son and apparent heir, Nicolas Ros, brother of the Laird, Gilliechallum Ros, also his brother, Alexander Ros of Inuercharroun, William Ros, his son, and Willliam Ros of Preisthill, the sum of £100 for expenses contained in a protestation obtained at their instance against the said Johnne Vaus upon instant, in case it be found that he ought to do so. Fol. 162, a.

Edinburgh, 25th March. James Bowar. David Borthuik, chamberlain to Mark, Lord of Newbotle, for James Bowair, merchant, burgess of Edinburgh, 500 merks, to enter Johnne Galbraith, merchant, in the tolbooth of Edinburgh or the Cannogait, conform to the charge by Johnne Broun in Newhavin.

Andrew Philip. James Aliesoun, hammerman, burgess of Dundie, for Andro Philp, hammerman, burgess there, not to harm James Small, son of Thomas Small in Petty, servitor to the Lord Gray, conform in all points to the letters raised against him. Mr. Umphra Blensile, advocate, registers the band, written by James Strauchane, notary, and subscribed at Dundie, 22nd March, before Williame Kinloch, David Tyrie, and Johnne Watsoun, burgesses of Dundie, and the said notary. Fol. 162, b.

James and Robert Allison. Johne Finlaysoun, burgess of Dundie, for James and Robert Alesonis, burgesses there, either in 300 merks, to the effect foresaid,—the said Mr. Umphra registering the band, written by Robert Wilsoun, servitor to Robert Gairdner, writer, and subscribed at Edinburgh, 25th March, before James Lowrie, burgess of Edinburgh, and Patrik Nairne, servitor to Johne Nasmyth, chirurgeon to their Majesties.

Edinburgh, 29th March. Sir James Douglas. Williame Douglas of Eschetries for Sir James Douglas of Drumlanrig, to restore to Johnne Johnnestoun in Ershok, or to Archibauld Johnnestoun, merchant, burgess of Edinburgh, his assignee, thirty two kye and oxen and two horses and mares, together with certain insight alleged to have been reft from him by certain persons said to be the said Sir James's men, in case it be found that he ought to do so. Fol. 163, a.

Alexander Mauchan. Thomas Fischer, merchant, burgess of Edinburgh, for Alexander Mauchane, burgess there, "merchand" of a barque of Dysart, called the "Jonas," laden with small salt, lying in Bruntiland, whereof Johnne Weymes is master skipper, to sail with the said barque to any port or haven within the kingdom of Ingland only, and there loose the merchandise contained therein, under the pain of £1000.

Edinburgh, 31st March. James Wilson, and other skippers. James Wilsoun, skipper of the barque called the "George," as principal, and Henry Fergus, merchant, burgess of Edinburgh, as surety; Alexander Duncane, master and skipper of the barque called the "Angell," as principal, and George Smyth, merchant, burgess there, as surety; Andro

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Roy, merchant in Leith, as principal, and Thomas Adinstoun, merchant in Edinburgh, as surety for him and for James Ordfurd, skipper of the barque the "Grace of God"; Patrik Ramsay, merchant, and owner of the barque called the "Peter," as principal, and Henry Fergus, merchant, burgess there, as surety for him and for James Greg, skipper of the said barque; Marmiduke Thomsoun, Englishman, merchant at York, and owner of the barque called the "Elsabeth," as principal, and Thomas Myllar, merchant, burgess there, as surety for him and for William Coittis, skipper of the said barque; Richard Tailyeour, Englishman, merchant of the barque called the "George," as principal, and Gilbert Louthiane, merchant, burgess of Edinburgh, and George Wilsoun, merchant in Leith, as sureties; Johnne Boyis, Englishman, owner of the barque called the "Richard of Hull," as principal, and James Sydserf, merchant, burgess of Edinburgh, as surety,—each of the said principals under the pain of 1000 merks, to sail with their said barques towards Ingland, and to no other coast of any foreign country, without his Majesty's permission.

Vol. 163, b.

David Chrystiesoun, merchant of the barque called the "Johnne," as principal, and Eduard Nisbit, merchant, burgess of Edinburgh, as surety, and Johnne Gourlay, skipper of the said barque, 1000 merks, to the effect foresaid. David Christieson and John Gourlay.

Vol. 164, a.

James Bannatyne of the Mot, and James Sommervaill, merchant, burgess of Edinburgh, for George Tutop in Stanebyres Wood, 500 merks, to deliver the tower and fortalice of Stanebyres to the King's herald and officer, conform to the charge given to him at the instance of the Treasurer, and of Johne Weir in Abbey Grene, and Mareoun Lokhart, his spouse, in case it be found that he ought to do so. George Tutop.

Andro Laverok, master and merchant of the barque called the "James of Dysart," presently lying in Bruntiland, as principal, and James Bell, merchant, burgess of Edinburgh, as surety, 1000 merks, to sail with the said barque to Skairsburgh or Yermounth in England only, and there loose her merchandise. Edinburgh, 1st April. James Lavrock.

Thomas Rannald, merchant, burgess of Edinburgh, for Johnne Peirsoun in Wester Weymes, master skipper of the ship called the "Androw," presently lying in the harbour of Bruntiland, 1000 merks, to sail with the said ship to ports in England only. John Pearson.

Vol. 164, b.

Johnne Yuill, dwelling outwith the West Port of Edinburgh, as principal, and Johnne Scheild, maltman in Edinburgh, as surety, £40, not to harm James Hendersoun in the Dene. Edinburgh, 2nd April. John Yule.

Robert Mureheid, merchant, burgess of Edinburgh, for Robert Allerdes, master and merchant of the barque called the "New Dow of Dysart," presently lying in the haven of Bruntiland, 1000 merks, to sail with the said barque to the haven of Campheir in Flanderis only. Robert Allardice.

James Weymes of Bogie for George Balcanquell in Kirkcaldy, Johnne Davidsoun there, David Hay there, Johnne Cusing there, Walter Williamesoun there, Johnne Hucheoun there, Thomas Kay there, Henry George Balcanquhal and others.

Ronaldsoun there, and David Wilsoun there, 1000 merks each, to sail with their ships and barques to ports and havens within Ingland only. Acta Caut. 1601–1605.

Alexander Hamilton and Robert Murdo.

James Reidoch, "pewderar," burgess of Edinburgh, for Alexander Hammiltoun, master, and Robert Murdo, merchant, of the barque called the "Apiltrie," to sail with their said barque from Achieson's Haven, where she is presently lying, to the port of Skairisburgh or Birlintoun in England only, under the pain of 1000 merks. Fol. 165, a.

Patrick Watson and Ninian Reid.

James Logane, clerk of the Cannogait, for Patrik Watsoun, master, and Niniane Reid, merchant, of the barque called the "Grace of God," presently lying in Achieson's Haven, 1000 merks, to sail with her to some port and haven "within our realme of England" only.

Robert Montgomery and others.

Robert, Lord Sempill, for Robert Montgomry, Thomas Montgomry, Robert Ewing, Johnne Boyd, younger, and Robert Broun, his servants and tenants in Southennane, 200 merks each, not to reset or intercommune with Williame Montgomry, elder, in the isle of Little Cumrey, Williame Montgomry, younger, there, Neill and Adame Montgomries there, conform to the charge given to them, of date 1st February 1603. Mr. Patrik Murray, advocate, registers the band, written by Archibald Connell, notary, and subscribed at Southennane and Lairgis, 29th March, before Johnne King and Johnne Harper, indwellers in Lairgis,—the said notary subscribing for Johnne Boyd and Robert Montgomry. Fol. 165, b.

Edinburgh, 4th April. John Dawling.

Mr. Johnne Dawling, advocate, for Johnne Dawling, master of the ship called the "Mariflour of the Quenis Ferry," to sail with her out of the said harbour, where she lies, to the ports of Denmerk and Danskene only, under the pain of 1000 merks.

Robert White.

Robert Quhyte in Kirkaldy, master of the ship called the "Fortoun," as principal, and Johnne Porterfeild, merchant, burgess of Edinburgh, as surety, to sail with her from the harbour of Bruntiland, where she lies, to the port of Denmerk only, under the pain of 1000 merks.

Robert Thomson.

Johnne Porterfeild, merchant, burgess of Edinburgh, for Robert Thomsoun in Kinggorne, master of the ship called the "Johnne," lying in Bruntiland, to sail with her to any "port and heavin within the realme of Londoun" (*sic*) only, under the pain of 1000 merks.

James Brown.

Johne Thomesoun, servitor to Mr. Alexander Hay, one of the ordinary clerks of Sessioun, for James Broun, master of the barque called the "Jonas," lying in Achieson's Haven, to sail with her to the city of Loundone and to no other port or haven outwith England, under the pain of 1000 merks.

James Wishart and others.

Eduard Nisbit, merchant, burgess of Edinburgh, for James Wischart and Alexander Sterk (Stirk), merchants, and Williame Williamesoun skipper, of the barque called the "Williame," presently lying in Bruntiland, 1000 merks, to sail with her to Hull, Lyn, Yermounth, or Londoun, and to no port out of Ingland. Fol. 166, a.

James Bairdy.

James Sommervaill, merchant, burgess of Edinburgh, for James Bairdie, merchant and skipper of the ship called the "Margaret," lying in Inner-

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keithing, 1000 merks, to sail with her to the port and haven of Trailsound in Duchland only.

Thomas Weir, merchant, burgess of Edinburgh, for Williame Rey, Thomas Cochroun, and James Grahame, younger, merchants, and Johnne Gray, skipper of the ship called the "Poist of Leith," presently lying in Bruntiland, 1000 merks, to sail with her to the ports of Flanderis, and to no other foreign port. William Ray and others.

Robert Mureheid, merchant, burgess of Edinburgh, for Mungo Scot and Williame Wod, merchants, and Johnne Thomsoun, master of the barque called the "James," lying at the Queensferry, 1000 merks, to sail with her to the port and haven of Campheir in Flanderis, and to no other foreign port. Mungo Scott and others.

Johnne Cummyng of Earnesyd for Thomas Hepburne in Mekle Innerlochtie, 500 merks, not to reset the following persons,—viz. David Ros Williamesoun, Williame Ros, his brother, Allester Ros M°Watt, Johnne and Walter Rossis, his brothers, Walter Ros M°Hucheoun, Johnne Ros, his son, David Ros in Lyne, Williame Ros, his son, Angus M°Ean Oig, , his brother, Duncane Dow Camnorach, Ewn Dow Camnorach, Ewne Glas, Johnne M°Ean Dow, M°Chercher, Clanvachen M°Rorie Talyeour, Thomas M°Hucheoun, Duncane M°Condochie, Alexander M°Condochie, Alexander M°Condochie, Andro M°Condochie, Johnne M°Condochie, Williame M°Condochie, David M°Condochie, sons of Alexander M°Condochie, Agnes Ros, daughter of Johnne Ros of Cantiey, and Andro Grant, her spouse,—during their rebellion, conform to the letters raised by Alexander Dumbar of Westfeild, sheriff of Murray, Patrik Dumbar of Conzie, Mark Dumbar of Duris, Alexander Dumbar of Tarbert, Robert Dumbar of Burgie, David Brodie of that Ilk, and remanent gentlemen within the country of Murray, dated at Edinburgh 1st February 1603.—The band, registered by Mr. Johnne M°Gill, advocate, and written by Alexander Mylne, messenger in Elgyne, is subscribed at Elgyne, 26th March, before George Annand, notary public, burgess of Elgyne, Johnne Gibsoun, burgess of Elgyne, Mr. Patrik Cymming, brother of Johnne Cummyng of Earnesyd, and the said writer hereof. Thomas Hepburne.

Vol. 166, b.

James Weymes of Bogie for Williame Williamesoun, merchant, and skipper of the "Johnne of Kirkcaldy," presently lying in Kirkcaldy, 1000 merks, to sail with her to the parts of Denmark only, and to no other foreign country. William Williamson.

Vol. 167, a.

Patrik Grant of Rothiemurcus for Johnne M°Keinzie, 1000 merks, not to harm James, Earl of Murray,—conform to the charge given to him dated at Edinburgh 4th March.—Robert Hammyltoun, advocate, registers the band, written by George Cummyng, burgess of Elgyne, notary public, and subscribed at Pluscarden, 26th March, before Duncane Grant, apparent of Rothiemurcus, Williame Gordoun, servitor to the said Patrik, James Andersoun, burgess of Elgyne, and the said writer hereof. John Mackenzie.

Andro Hervie of Denstoun for Bartill Leslie of Chapeltoun, £1000, not to harm Patrik Leslie of that Ilk. Bartle Leslie.

Vol. 167, b.

Edinburgh, 6th April. Alexander Colquhoun.

Alexander Colquhoun of Lus, as principal, and Mathow Colquhoun, burgess of Glasgow, as surety, to pay to Robert Sempell of Foulwod, Patrik M^cCawlay, messenger, or Williame Cuninghame, messenger, or to Walter Blair of Fynnicht, the sum of 20s. for each poundland of the barony of Lus, Portincapill, Fynnert, Thorlingbraik, Kilbrydie, Voltonnand, Wallacetoun, Colquhoun and Garskub, as part of the taxation granted for repressing the Clan Gregour within the sheriffdom of Dumbartane and regality of Lennox, in case it shall be found that he ought to do the same. Acta Caut. 1601-1605.

David Moncrieff and George Hay.

David Moncrieff, merchant, burgess of Craill, as principal, and Johnne Strang of Balcasky, as surety for him and for George Hay, skipper of the barque called the "Grace of God," lying in Kirkcaldy, 1000 merks, to sail with her to the port of Strolsoun in the country of Ducheland, and to no other foreign port.

Andrew Wilson.

Andro Wilsoun, shearsmith at the West Port of Edinburgh, as principal, and Johnne Wilsoun, "lorymer," there, as surety, £40, not to harm James Hendersoun in the Deane. Fol. 168, a.

Edinburgh, 7th April. Thomas and John Mudie.

Thomas Mudie in Gelletis Easter, as principal, and James Cuninghame, brother of the Goodman of Clombeith, as surety for him and for Johnne Muidie there, either in £50, to buy from Sir Micchell Balfour of Burley a complete stand of footmen's arms.

Edinburgh, 18th April. William Wardlaw and James Dalgleish.

Mr. Sammuell Wardlaw, merchant, burgess of Edinburgh, for Williame Wardlaw of Curriehill and James Dalgleische, merchant, burgess of Edinburgh, 500 merks, to render the dwelling place of Curriehill to the King's herald and officer (*ante*, p. 592),—conform to the letters of treason raised at the instance of the Treasurer and Sammuell Blaikburne, merchant, burgess of Edinburgh, against them,—in case it shall be found that they ought to do the same.

David Ross of Holme.

Williame Ros Angussoun, burgess of Nairne, for David Ros of Holme, £500, not to reset or intercommune with David Ros, *alias* Skardoch, and Rorie M^cConeill, vagabonds and sorners, put to the horn for not finding surety to underlie the law for the slaughter of Johnne Cokburne, servitor to Mr. Thomas Dumbar, dean of Murray, and brother of Mr. Sammuell Cokburne.—Mr. Alexander Cummyng, advocate, registers the band, written by Thomas Clerk, burgess of Elgyne, and subscribed at Kilrawokis, 31st March, before Williame Ros of Kilraok, Hucheoun Ros, his son and apparent heir, Walter Ros and Hucheoun Gray, his servitors, and Thomas Hay, writer. Fol. 168, b.

Edinburgh, 29th April. Alexander Seton.

Alexander Seytoun, sheriff depute of Haddingtoun, and one of the bailies of the burgh of Haddingtoun, as principal, and George Seytoun of Northrig, as surety, £500, not to harm Robert Hepburne of Aulderstoun. Fol. 169,

Robert and John Hepburne.

Robert Hepburne of Markle for Robert Hepburne, younger of Over Haillis, 1000 merks, and for Johne Hepburne, his brother, £500, not to harm the said Alexander Seytoun.

Edinburgh, 30th April.

Robert Hepburne of Aulderstoun and George Seytoun of Northrig for Williame and George Hepburnes, brothers of Master Patrik Hepburne of Fol. 169, b

cta Caut. 601-1605.

Gilmourtoun, the former in £500 and the latter in 500 merks, not to harm the said Alexander Seytoun; also, not to reset or intercommune with James Hepburne, brother of Patrik Hepburne of Newmylnis, George and Williame Hepburnes, sons of the said Patrik, and Gavin Cunoch,—rebels and fugitives for the ravishing of the late George Carkettle's daughter,—during their rebellion; farther, to forbear all oppressions in time coming and to answer when required. William and George Hepburne.

ol. 170, a.

Robert Cairnecors, merchant, burgess of Edinburgh, for Williame Borthuik of Finkistoun, Johnne Home in Houllattistoun, James Hoppringle in Hoppringle, James Pringle in Mitchelstoun, James Symsoun in Hanginschaw, Alexander Hog in Broderstanis, Alexander Pringle in , Charlis Cairnecors in Birksneip, William Douglas in Cruikstounmylne, £50 each, to buy, each of them, from Sir Micchell Balfour of Burley a complete stand of footmen's arms, in case it be found that they ought to do so. William Borthwick and others.

James Douglas, burgess of Edinburgh, for Thomas Lyn, Thomas Douglas in Duns, Robert Broun there, Patrik Knox there, Archibald Lytle there, Thomas Ruthens there, William Bell there, Johnne Swyntoun there, Williame Mekle there, Johnne Davidsoun there, and Andro Quhytlaw, smith, there, £50 each, to buy each of them from Colonel Balfour a complete stand of footmen's arms, in case it be found that they ought to do so. Thomas Lyn and others.

ol. 170, b.

Archibauld Layng, merchant, burgess of Edinburgh, for Patrik Hepburne of Newmylnis, £1000, in manner and to the effect specified in the act of caution found by Williame and George Hepburne (*ante*, p. 786-7),—the said principal and Robert Hepburne of Aulderstoun becoming sureties in relief. Edinburgh, 6th May. Patrick Hepburne.

Robert Hepburne of Aulderstoun, as principal, and Patrik Hepburne of Newmylnis, as surety, £1000, not to harm Alexander Seytoun, sheriff depute of Haddingtoun. Robert Hepburne.

'ol. 171, a.

Andro Ker of Romanograinge for Andro Leirmounth in Kelso, Richard Merk there, Andro Leirmounth there, Michaell Airner there, Robert Stewart there, Adame Bauld there, Johnne Scot there, Thomas Ker there, Johnne Stewart there, Robert Diksoun there, Thomas Pot there, James Pringle and Johnne Greiff there, £50 each, to buy each of them from Sir Micchell Balfour of Burley a complete stand of footmen's arms, in case it be found that they ought to do so. Andrew Learmonth and others.

James Adinstoun of that Ilk for Robert, Earl of Wentoun, to buy from Colonel Bartilmo Balfour twenty complete stands of horsemen's arms, in case it be found that he ought to do so, under the pain of 100 merks for each stand. Earl of Winton.

Johnne Corsane in Kirkgait, late bailie of Drumfreis, for Johnne Tynding in Howis and Florence Tynding, his son, 300 merks, not to harm David Murray, captain and keeper of the King's castle of Annand.—Mr. Johnne Johnestoun, advocate, registers the band, written by Robert Cunynghame, notary, and subscribed at Drumfreis, 3rd May, before John Tynding and son.

'ol. 171, b.

George Bell, bailie of Annand, Thomas Ranyng, George Laittimer, burgesses of Drumfreis, Andro Swan there, and the said notary. Acta Caut. 1601–1605.

Edinburgh, 9th May. Thomas Webster.

James Lyndsay of Aikinhat, burgess of Dundie, for Thomas Wobstar in Aikinhat, his tenant, 400 merks, not to harm Sir Walter Lyndsay of Balgayis,—conform to the charge given to him by George Andersoun, messenger.—Mr. Alexander Cummyng, advocate, registers the band, written by Robert Wodderburne, notary, and subscribed at Dundie, 7th May, before Williame Wobstar and James Low, bonnetmakers in the Hill of Dundie, Alexander Wodderburne, younger, the said notary, and Johnne Carraill, gunmaker in Dundie. Fol. 172, a.

James Learmonth.

James Sinkler of Murchill, James Hepburne of Manishill, and George Hepburne, brother of Mr. Patrik Hepburne of Gilmourtoun, for James Leirmounth, burgess of Haddingtoun, 500 merks, in manner and to the effect specified in the act for Williame and George Hepburnes dated 30th April last (*ante*, p. 786–7). Fol. 172, b.

Edinburgh, 13th May. James Lindsay and others.

Richard Broun of Glenson for James Lindsay of Wauchop, 1000 merks, and for Williame Edzer, Johnne Glencors, and Johnne Welsche, fishers, £100 each, not to harm Johnne M^{c}Undell, burgess of Drumfreis. —Mr. Adame King, advocate, registers the band, written by Cuthbert Cuninghame, notary, burgess of Drumfreis, and subscribed at Drumfreis, 9th May, before the said Cuthbert, William Hanyng, notary, Robert Cunynghame, sheriff clerk of Drumfreis, and Robert Cuninghame, merchant. Fol. 173, a.

Innes of Invermarkie.

Williame M^{c}Intosche of Borlome for the right honourable Robert Innes of Inuermerkie, 2000 merks, not to harm William Hay of Mayne, or James, Mr. Alexander, George, Hew, Mr. Johnne, Mr. Gavin and Archibauld Douglassis, sons of the late Mr. Alexander Douglas, sometime provost of Elgyne,—conform to the charge given to him of date at Edinburgh 26th April 1602.—Mr. Patrik Murray registers the band, written by George Cummyng, burgess of Elgyne, notary public, and subscribed there, 21st April, before Mr. Johnne Keith, parson of Duffus, Mr. Alexander Keith, his son, Robert Sutherland, reader at Duffus, Mr. Alexander Hay, minister at Duple, George Spens, writer in Edinburgh. Fol. 173, b.

Thomas Grant.

James Ker of Syndlawis for Thomas Grant of Schireftoun, £1000, not to harm Williame Hay of Mayne,—conform to the King's letters dated at Edinburgh 8th February last.—Mr. Patrik Murray registers the band, written by the said George Cummyng and subscribed at Elgyne, 6th May, before Mr. Patrik Cummyng, son of the right honourable Alexander Cummyng of Earnesyd, James Currle, burgess of Edinburgh, James Law, burgess there, Williame Thome in Elgyne, and the said writer hereof,—the last subscribing for the said James Kar. Fol. 174, a.

Edinburgh, 16th May. Robert and James Mure.

Robert, Lord Sempell, for Robert Mure of Cauldwell and James Mure of Thornetoun, not to harm Robert Stewart in Glasgow,—conform to the King's letters dated at Edinburgh 18th January last.—Mr. Richard Spens, advocate, registers the band, subscribed at Cauldwell, 5th May, before Johne Blair, younger of that Ilk, Johnne Montgomry of Auchin- Fol. 174, b

cta Caut. 501–1605.

bothie, James Montgomry, his brother, Mathow Sempell of Bargane, and Henry Balveray, notary, writer hereof.

Robert Mure of Cauldwell for James Mure, his eldest son and apparent heir, Robert Mure, also his son, Gavin Hamiltoun, apparent of Roploch, William Mure, younger in Glanderstoun, Alexander Mure, "my brother naturall," David Mure, "my servand," to the effect foresaid,—the band registered, dated and witnessed as above, except that Ezechiell Montgomry takes the place of James Montgomry as witness. James Mure, younger, and others.

ol. 175, a.

James Bannatyne of the Mot for James Johnnestoun of Westraw, £500, to deliver to the officer, directed at the instance of the Treasurer and Mathow Bailyie of Lytilgill, his dwelling places of Moit and Westraw, and to enter in ward in the castle of Blaknes and remain there till he obeys the charge,—in case it be found that he ought to do the same. Edinburgh, 18th May. James Johnstone.

Patrik Hepburne of Newmylnis for Williame and George, his sons, either of them in £100, to answer upon 15th July next to the complaint made against them by Mr. Thomas Hammyltoun of Drumcairne and the late George Carkettle, for their alleged coming to the said George's house of Monkrig and violently ravishing and taking away his daughter. Edinburgh, 20th May. William and George Hepburne.

ol. 175, b.

Mr. Abrahame Rig, brother of the Laird of Carbarrie, for Williame Trumble of Symingtoun, £50, to buy from Sir Michaell Balfour of Burley a stand of footmen's arms, in case he ought to do so. William Turnbull.

James Hoppringle of Galowscheillis, Williame Lawder of Quhitslaid, and Johne Ker, burgess of Edinburgh, for James Huntar of Halkburne, presently in ward in the tolbooth of Edinburgh, £2000, to remain in the burgh of Edinburgh till 9th June next, on being released furth of his said ward, on which day the said cautioners shall enter him before the Lords of the Privy Council. James Hunter.

Johne Mure, son of the Laird of Cauldwell, as principal, and George Sandersoun, merchant, burgess of Edinburgh, as surety, not to harm Robert Stewart in Glasgow, under the pains in the King's letters. John Mure.

l. 176, a.

Archibauld Bauld, messenger and burgess of Haddingtoun, as principal, and Johune Young, skinner, burgess of Edinburgh, as surety, £100, to remain in the burgh of Haddingtoun "as ane ordinar and faithfull burges thairof," and subject himself to all the ordinances and imposts,—conform to the Acts of Burghs ratified in Parliament. Edinburgh, 24th May. Archibald Bald.

Robert Lindsay of Lynbank for Johnne Crawfurde in Mylnehouse and Robert Montgomerie in Nether Craig, £1000 each, not to harm Johnne Dunlop of Polnunemylne.—Mr. Lowrence M'Gill, advocate, registers the band, written by James Lindsay, son of Alexander Lindsay of Schellis, and subscribed at Kirktoun, 26th May, before Jeremiath Craig, William Mortoun, and said writer hereof. Edinburgh, 27th May. John Crawford and Robert Montgomery.

l. 176, b.

Alexander Ahannay of Sorbie for Alexander Stewart of Gairleis, £100, to subscribe, in case he has not already done so, an assurance to Johne Kennedy of Blairquhan, to endure till 1st January next; also, to make his escheat goods furthcoming to the Treasurer and donator in case he is put to the horn for not subscribing the said assurance.—Cornelius Tennent, advocate, Edinburgh, 31st May. Stewart of Garlies.

registers the band, written by Mr. James Wischart, servitor to James Kynneir, writer, and subscribed at Glassertoun, 23rd May, before Mr. Peter M^cDowall, fiar of Machrymoir, Andro Ahannay, "my sone," and Johne Turn, notary. Acta Caut. 1601-1605.

Edinburgh, 2nd June. John Currour.

David Maxvell of Teilling, and Stevin Currour, fiar of Logiemekle, for Johnne Currour, brother of the said Stevin, £5000, to answer before the King and Council upon 5th July next for the alleged striking of the right hand from James Tyrie in the town of Dundie on 28th May last, for which he is at present in ward in the tolbooth of Dundie.—George Abernethie, advocate, registers the band, subscribed at Dundie 1st June before Mr. James Robertsoun, minister of the evangel at Dundie, Robert and Hew Maxvellis, brothers of the Laird of Teilling, Mr. Alexander Wodderburne, common clerk of Dundie, and Johnne Patoun, notary. Fol. 177, a.

Edinburgh, 3rd June. William Cleland.

James Tennent of Lenhous for Williame Cleland of that Ilk, £1000, not to harm James Libertoun in Nether Libertoun. Fol. 177, b.

Robert Mure.

Robert Mure of Cauldwele for Robert Mure, his son natural, £500, not to harm Robert Stewart in Glasgow.—Mr. Richard Spence, advocate, registers the band, written by Johne Mure, "my sonne," and subscribed at Cauldwele, 24th May, before Hew Ralstoun of that Ilk, Robert Stewart of Chrystwall, William Mure of Wester Dungrene, and David Mure, servitor to the Laird of Cauldwell.

James Cleland and others.

Williame Cleland of that Ilk for James, Andro, Claud, Johnne, and Archibauld, his sons, and for James Cleland, son of Williame Cleland of Ormestounhill, Robert Kneland in Fairmylne, and Johnne Cleland, his son, not to harm James Libertoun in Nether Libertoun, under the following pains: viz., James Cleland, 1000 merks, and each of the others in 500 merks. Fol. 178, a.

James Livingstone.

Hew Levingstoun, fiar of the twenty poundland of Newbiging, and Hew Brentoun, burgess of Lanark, for James Levingstoun of Gernswod, 1000 merks, not to harm Margaret Huchesoun, widow in Carstairis, Jonet Clairsone there, or Andro Huchesoun, her spouse.—Johnne Halyday, advocate, registers the band, written by James Straitoun, brother of Arthour Stratoun, writer, and subscribed at Lanark, 1st June, before James Grahame, Robert Lokhart and Richart Smyth. Fol. 178, b.

Edinburgh, 4th June. Earl of Linlithgow.

James Levingstoun, portioner of Falkirk, for Alexander, Earl of Lynlythqu, to buy from Colonel Barthilmo Balfour twenty complete stands of horsemen's arms, in case he ought to do the same, under the pain of £20 for each stand.

Lady Bargany.

Thomas Makalschinder of Corsclayis for Jeane Stewart, Lady Bargeny, £2000, to deliver to the King's herald and officer the dwelling places of Ardstincher, Bargany Newwark, and house within the burgh of Air,—also, to put to liberty Hew, Master of Cassillis, Quintene Crawfurd, Andro Cuninghame, M^cIlvane, younger of Griomet, Johne Baird, son of Baird of Killeinzie, and certain others, lately apprehended by Thomas Kennedy of Drummurchie and his accomplices,—in case it be found that she ought to do so.

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Johnne Annand of Glasgaen, burgess of Elgyne, for Williame Hay of Mayne, £1000, not to harm Thomas Grant of Schireftoun,—conform to the King's letters dated at Edinburgh 17th May last.—Mr. Robert Young registers the band, written by James Tarres, messenger, and subscribed at Elgyne 31st May before Johnne Cokburne in the College of Elgyne, William Gordoun, son of Johnne Gordoun, burgess of Elgyne, James Dumbar, burgess there, Robert Moreis, servitor to the Laird of Mayne, and the said writer hereof. Edinburgh, 6th June. William Hay.

ol. 179, b.

Thomas Flemyng, merchant, burgess of Edinburgh, for Johnne Fairlie there, £100, to buy such stands of arms as he is subject to buy conform to the Act of Convention. Edinburgh, 7th June. John Fairly.

Methusalam Ramsay, portioner of East Restoun, for David Purves in Fouldoun, Alexander Fair there, Samuell Fairlie there, Johne Daill there, Alexander Reull there, Philp Reull there, Robert Wilsoun there, Robert Polwart there, and Thomas Edgley there, to pay, each of them, to James Home of the Steill the sum of 4s. for the custom of each boll of victual brought by them from Bervick, in the shire of Bervick, for the sustenation of their own families, in case it be found that they ought to do so; also, to pay to him the custom of all customable goods imported or exported by them, conform to the A B C set down thereanent. David Purves and others.

Thomas Mure, merchant, burgess of Edinburgh, for Johnne Colene, Adame Trumbull, William Lyell, Williame Lyndsay, Williame Rentoun, Alexander Trumbull, and William Lyndsay, £50 each, to buy each of them from Sir Micchell Balfour of Burley a complete stand of horsemen's arms, in case it be found they ought to do so. Edinburgh, 9th June. John Colin and others.

ol. 180, a.

James Tennent of Lenhous for Williame Cleland of that Ilk, 1000 merks, not to harm James Libertoun in Nether Libertoun. William Cleland.

Williame Cleland of that Ilk for James Cleland (? Kneland), son of Williame Kneland of Ormestounhill, and James Tennand of Linhous for Robert Kneland of Farmylne, 300 merks each, to the effect abovewritten. James and Robert Kneland.

ol. 180, b.

James Hoppringle of Gallowscheillis, Williame Lauder of Quhittislaid, Alexander Horsburgh of that Ilk, and Johnne Ker, burgess of Edinburgh, for Thomas Ker of Caveris, to enter in free ward in the burgh of Edinburgh whenever charged, and to remain there till relieved by his Majesty, with advice of Sir George Home of Grenelaw, treasurer, and till he satisfy them in such sums of money as they can lay to his charge touching the caution for the Laird of Phairnyhirst. Edinburgh, 11th June. Thomas Ker of Cavers.

ol. 181, a.

Robert Trotter, merchant, burgess of Edinburgh, for James Trotter of Fogo, £100, to buy from Sir Micchell Balfour of Burley such stands of armour as he is liable for by the Act of Convention, in case it be found he ought to do so. Edinburgh, 14th June. James Trotter.

Williame Asslowane, merchant, burgess of Edinburgh, for Robert Swyntoun of that Ilk, £100, to the effect foresaid. Robert Swinton.

Johnne Campbell of Sowterhoussis for William Rynd of Kers, and Johnne Rynd, apparent of Kers, either of them in 500 merks, to appear before the Lords of Secret Council and subscribe the submission anent the William Rhind and son.

deadly feud between them and the Ogilveyis, in case it shall be found that they ought to do the same. Acta Caut. 1601–1605.

William Curror. George Herreis of Tarrauchtie for Williame Currour in Dalquhirne, 500 merks, not to harm Robert Currour, son of James Currour in Holme. Fol. 181, b.

William Cockburn and his brother. Johne Trotter, merchant, burgess of Edinburgh, for William Cokburne of Chouslie, and James Cokburne, his brother, £100 each, to buy each of them from Sir Micchell Balfour of Burley such arms as they are subject to buy according to the Act of Convention.

Thomas Trotter and others. Johne Trotter, burgess of Edinburgh, for Thomas Trotter in Catchilraw, Thomas Trotter in Kilhill, and Thomas Trotter in Fogorig, £100 each, to the effect foresaid.

John Home. William Broun, merchant in Leyth, for Johne Home in Restoun, £100, also to the effect foresaid.

John Ellem. James Lauder of Sornefallow for Johnne Allum of Buttirdene, £100, also to the effect foresaid. Fol. 182, a.

Patrick Porteous. Hary Stewart of Cragyhall, Alexander Horsburgh of that Ilk, and Mr. Archibald Dowglas, parson of Peblis, for Patrik Porteous of Halkschaw,—being now in ward in the tolbooth of Edinburgh at the instance of George Hay of Monktoun for not finding of lawburrows to him,—not to leave Edinburgh till 1st July next; when, in case the matters questionable between them be not settled, he shall enter again in ward in the said tolbooth, under the pain of 10,000 merks. Andro Meldrum, David Hamiltoun, Walter Pirey, James Aikinheid, and Dempster act as witnesses. Fol. 182, b.

Edinburgh, 17th June. William Craw and others. Peter Collace, burgess of Edinburgh, for Williame Craw in Swynewod, Robert Reull of Peilwallis, Williame Wardlaw in West Restoun, and Mungo Wobstar in Coldinghame, £100 each, to buy from Colonel Balfour, factor for Sir Micchell Balfour, such sort of arms as they are bound to buy according to the Act of Convention.

William Arnot and David Nisbet. James Arnot, merchant, burgess of Edinburgh, for William Arnot of Cokburnespeth, postmaster thereat, £100, and for David Neisbit, £50, to the effect foresaid.

Edinburgh, 21st June. Patrick Dickson and others. George Trotter of Pentronnan for Patrik Diksoun in Belchester, William Diksoun in the Grene, Johne Diksoun in the Camys, James Diksoun in the Peill, and Johne Diksoun in Quhitrig, £100 each, also to the effect foresaid.

George Trotter and others. Robert Trotter, merchant, burgess of Edinburgh, for George Trotter of Prentonnane, Patrik Trotter in Sisterpaith, and Alexander Trotter in Chesteris, £100 each, also to the effect foresaid. Fol. 183, a.

Lord Spynie. James Twedie of Drummelzear for Alexander, Lord of Spynie, 500 merks, to pay to the Treasurer £100 for the gift of his escheat, within 40 days hereof, in case it be found that the horning directed against him at the instance of William Kemp, merchant, burgess of Edinburgh, is orderly proceeded.

Edinburgh, 23rd June. Duncan Menzies. Adame Meinzeis of Baltoquhan for Duncane Meinzeis of Enoch, £50, to buy from Sir Micchell Balfour such stands of arms as he is bound to buy;

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also, to pay to the Treasurer the sum of 20 merks for his escheat goods if he be orderly denounced rebel for the cause abovewritten.

Fol. 183, b.

Alexander, Lord of Spynie, as principal, and James Tuedy of Drumelzear, as surety, £1000, not to harm Williame Kemp, merchant, burgess of Edinburgh. Edinburgh, 24th June. Lord Spynie.

Johnne Ker of Harprig for Robert, Lord Roxburgh, to buy from Sir Micchell Balfour of Burley such stands of arms as he is bound to buy, under the pain of £100 for each stand. Lord Roxburgh.

Williame Douglas of the Mar for Sir James Douglas of Drumlanrig, to perform the following points specified in certain letters of horning:—(1) to subscribe an assurance to Sir James Johnnestoun of Dunskelly; (2) to pay to the Collector £36, 17s. 9d., £27, 11s. 1d., and £8, as his part of the taxation of 200,000 merks for the kirk of Glencairne, the parsonage of Garvel, and the six merkland of Craiguny; (3) to pay to Walter, Prior of Blantyre, treasurer for the time, £5000, incurred by him as cautioner for James Johnestoun of Lochous; (4) to appear before the King and Council when charged and give his best advice for settling the disordered state of the West March and redressing "attemptis" alleged to have been committed by him and his men; (5) to enter William Bell of Reidcleuch, when required, to answer to certain bills given in before the Lord Uchiltrie; (6) to pay to Andro Cunynghame, son of Johne Cunynghame of Birkschaw, and to his said father for his interest, £10,000, as penalty incurred for the non-entry of James Johnestoun of Lochous and certain others, and for not removing them from certain lands; (7) to pay to the Collector, of the taxation of 200,000 merks, his contribution of 40s. for every poundland of £93, 6s. 6d. land of Tibberis, £48 land of Ros, and the £10 land of Dalgarnok; (8) to subscribe a new assurance to be made between him and the Laird of Johnestoun; (9) to pay to the Commendator of Kelso £50 as his part of the taxation of 100,000 merks laid upon the teind sheaves of the kirk of Mortoun; (10) to pay £50 for his part of the taxation of 200,000 merks laid on the kirk of Mortoun; (11) to pay to Mr. Johne Johnestoun, Commendator of Halywod, £17, 13s. 4d. for the teinds of the 53 merkland of the Skar, and £29, 9s. 4d. for the teinds of the lands of Auchingassell, and £20 land of , as for his part of the taxation of 100,000 merks; (12) to make redress for the goods taken from Johnne Johnestoun of Erschok "be the name of Bell"; (13) to pay to the Treasurer the sum of for his escheat goods alleged fallen by the horning executed against him at the instance of the said Johne Johnestoun, if the same be lawful horning, and in case it be found that he ought to do the same after trial of the verity. Sir James Douglas of Drumlanrig.

Fol. 184, a.

Fol. 184, b.

Alexander Home of Rentoun, as principal, and Johne Home of Slegdene, as surety, £100, to buy from Colonel Barthilmo Balfour such stands of arms as he is astricted to buy by the Act of Convention. Edinburgh, 28th June. Alexander Home.

Sir Neill Montgomry of Langschaw for Robert Fergushill in Crevoch-Lyndsay, William Mure there, Archie Gairdner there, Andro Ker there, Archibald Lyndsay, cooper there, William Bar there, and Johnne Edinburgh, 29th June. William Mure and others.

Pudzeane there, 200 merks each, not to reset or intercommune with Archibauld Lyndesay of Crevoch, rebel, during his disobedience.—Johnne Halyday, advocate, registers the band, written by Robert Montgomry, notary, and subscribed at the kirk of Stewartoun, 27th June, before Hew Ralstoun, son of the Laird of Ralstoun, William Montgomry of Brigend, and the said notary,—the last subscribing for the said principals. Acta Caut. 1601-1605. Fol. 185, a.

Edinburgh, 2nd July. William Agnew.

Peter M°Dowall, fiar of Machrymoir, for William Agnew in Barmaill, 1000 merks, not to harm Johne Maxwell in Garrarie.

Edinburgh, 4th July. Thomas MacKie.

Patrik M°Kie, merchant and burgess in Wigtoun, for Thomas M°Kie, his brother, merchant there, 300 merks, not to reset or intercommune with Alexander Dumbar, son of Patrik Dumbar of Craloch, who is denounced rebel at the instance of William Dumbar of Culmalyeow,—conform to the charge given at the instance of the said William.—Johne Halyday, advocate, registers the band, subscribed at Wigtoun, 2nd July, before Johne Ahannay, merchant, burgess and lately bailie of Wigtoun, George Wallace in Wigtoun, William Maxwell there, and Alexander M°Gowne, son of the notary underwritten, writer hereof,—Mr. William M°Gowne, notary, subscribing for Thomas M°Kie and Patrik M°Kie. Fol. 185, b.

Edinburgh, 5th July. Lady Bargany.

Jeane Stewart, Lady Bargeny, as principal, and Johne Mure of Auchindraine, and Peter Makdowell, fiar of Machirmoir, as sureties, 5000 merks, to obtain by 16th instant possession of the dwelling place of Ardstincher from Thomas Kennedy of Drumurchie, Walter Mure of Cloncard, William Irvine, Thomas Wallace, Thomas Makalschinder, Gilbert Ramsay, and others, rebels and fugitives for the murder of the Tutor of Cassillis, and nowise to suffer the said rebels to have any reset therein.

Laird of Lundie.

Johnne Lundie of that Ilk, as principal, and Sir Duncane Campbell of Glenurquhy, Andro Lundie of Conland, Andro Aytoun of Denmure, George Lundie of Gorthie, Williame Grahame of Claverhous, and David Sibbald of Lethame, as sureties, £20,000, to keep in company with him David Lundy of Newhall, his brother, and to produce him whenever required before either the Lords of Privy Council or the Justice General. Fol. 186, a.

Anthony Murray and others.

Mr. Williame Murray of Auchtirtyre for Anthoun Murray in Dowald, David Murray in Cultirniche, Symond Lutefuite in Pittintenne, William Dow in Drummie, Andro Henry there, Oliver Murray in Casteltoun, James and William Walkeris there, Henry Buchane there, William Murray in Toftis, Robert Gray in Drumfie, James Dugall, miller in Gask, Andro Quhyte in Belmowto, Robert Quhyte in Lettir-Bennachie, and Johnne Quhyte in Easter Creif, £50 each, to buy each of them from Sir Micchell Balfour of Burley such stands of arms as they are required to buy by the Act of Convention. Fol. 186, b.

Walter Currror.

Hew Maxwell, brother of the Laird of Teilling, for Walter Currour of Inchedrour, 100 merks, to the effect foresaid.

Edinburgh, 9th July. Lady Pinkhill.

Hew Kennedy of Garvenmains for Jonnet Kennedy, Lady Pinkhill, 2000 merks, not to reset or intercommune with Thomas Kennedy of Drummurchie and his accomplices abovewritten, who are at the horn for the murder of the Tutor of Cassillis.

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Johne Grhame of Balgowne for Andro Rollok of Duncrub, £100, to buy from Sir Micchell Balfour the legal outfit of arms. Andrew Rollock.

Fol. 187, a.

Johne M^cDowall of Kerymannoch for Johne M^cDowall of Garthland, 1000 merks, not to reset or intercommune with Thomas Kennedy of Drummurchie, Walter Mure of Cloncard, Thomas M^cAlexander, Thomas Wallace, and William Irwing,—conform to the charge given to him at the instance of dame Elizabeth M^cGill, relict of Sir Thomas Kennedy of Culzeane,—during the time of their rebellion.—Johne Haliday, advocate, registers the band, written by the said principal, and subscribed at Indermessen, 21st December 1602, before Johne M^cDowall of Freuche, Patrik M^cDowall in Freuche, Paull Dumbar, Johne Scherar, messenger, and Johne Kennedy, notary. Edinburgh, 11th July. MacDowall of Garthland.

Alexander Colquhoun of Lus, as principal, and James Dennistoun of Cowgrane, as surety, 1000 merks, to appear and enter Johne Colquhoun of Camstroddane, Robert Colquhoun, his brother, Robert Colquhoun in Hill of Camstroddane, Johne Dow M^cWilliam in Auchingawin, Andro M^cWilliam there, Robert and Donnald Leich in Killelok, Duncane M^cInturner, Robert M^cClintok, son of M^cClintok, gardener in Rosdu, Dowgall M^cFarlane, son of Andro M^cFarlane, and Johne M^cInturner, son of Patrik M^cInturner in Edintagarth, alleged to be his men, before the King and Council upon 26th instant, to answer to a complaint made against them by James Halden of Glennegeis, and Walter M^cCalpie, his tenant, if it be found that he ought to do the same. Edinburgh, 14th July. Colquhoun of Luss.

Fol. 187, b.

Williame Forbes of Corsindey and Johnne Forbes of Brux for Robert Innes of Innermarkie, 2000 merks, not to harm James Douglas, burgess of Elgyne, Mr. Alexander Douglas, minister at Elgyne, George Douglas, minister at Culane, Hew, Mr. Johne, Mr. Gavin, and Archibauld Douglassis, brothers of the said Mr. Alexander. Edinburgh, 16th July. Robert Innes.

Fol. 188, a.

Robert, Lord Roxburgh, Mr. Robert Douglas, provost of Lincluden, Andro Ker of Fentoun, and Johnne Johnestoun, bailie of the Water of Leith, for James Johnnestoun of Lochhous, 5000 merks, to enter by 28th instant Robert Grahame of Thornik in the possession of the dwelling place of Lochous and the lands belonging thereto; also, to restore to the said Robert the iron gate which was upon the said place; also, not to harm the said Robert. Farther, the said Grahame, as donator of Johnestoun's escheat for not finding lawburrows to him, renounces and discharges the

Fol. 188, b.

said gift of escheat. He also consents to Johnestoun's having a servant upon the land for keeping his corns presently growing thereon till the same be shorn. Holyroodhouse, 18th July. James Johnstone.

Fol. 187, b.

David Balvard, portioner of Pitlessie, for Johne Balvaird in Brodell, 500 merks, not to harm Johne Moir, portioner of Aberargie, or Andro Pittinbroge there. Edinburgh, 20th July. John Balvaird.

Fol. 188, a.

David Lawsone, merchant, burgess of Edinburgh, for Johne Graden in Langrig, £50, to buy from Sir Micchell Balfour of Burley a stand of footmen's arms, in case it shall be found that he ought. John Graden.

Fol. 188, b.

Williame Gordoun of Kennertie for Williame Gordoun of Abiryeldie, William Gordon.

2000 merks, not to harm Johne Stewart in Ballagan, Hary Stewart there, Andro M°Andow, Johne Moir M°Allaster, Donald M°Alaster, his brother, Johne M°Comie, Johne Ker in Crathie, Johne Gordone there, or James M°Patrik there.—Mr. Lowrence M°Gill, advocate, registers the band, written by Mr. Johne Leslie, and subscribed at Abiryeldie, 17th July, before James Gordoun, brother of the said William Gordoun, David Sandiesoun, reader at Crathie, Alexander Gordoun, servitor to the Laird of Abiryeldie, and the said writer hereof, minister of God's word at Glenmuke. Acta Caut. 1601–1605.

Edinburgh, 22nd July. John Seyton and James Cranston.

Johnne Seytoun, tailor, burgess of Edinburgh, for Johnne Seytoun, younger of Touch, £200, and James Cranstoun in Huntliewod, 100 merks, to buy from Sir Micchell Balfour, or Colonel Balfour, his factor, such stands of arms as they are astricted to buy, according to the Act of Convention. Fol. 189, a.

Hew Cowan.

Archibald Hammiltoun of Beirfurd for Hew Cowane in Sammilstoun, 100 merks, to answer before the King and Council upon 4th August next to a complaint made against him by the late George Carketle, touching the ravishing and awaytaking of his daughter; also, to pay, within 40 days hereof, to the Treasurer the sum of 40 merks for his escheat.

Edinburgh, 25th July. George Hamilton, elder, and Katherine Hamilton.

George Hammyltoun, younger in Prestoun, and Mr. Johnne Tuedy of Winkistoun, for George Hammyltoun, elder in Prestoun, and Katherine Hammyltoun, spouse of the said George, younger, either of them in 500 merks, to answer before the King and Council upon 28th instant to a complaint made against them by Johne Hill in Prestoun and his spouse, touching the demolishing of his house in Prestoun and committing of divers points of oppression specified in the letters directed against them. Fol. 189, b.

George Hamilton, younger.

George Hammyltoun, younger in Prestoun, as principal, and Mr. Johne Tuedy of Winkistoun, as surety, and both for the said George, elder, and Katherine Hammyltoun, 500 merks each, not to harm Johnne Hill in Prestoun, or Cristeane Smyth, his spouse.

Matthew Fleming and Colin Campbell.

Eduard Meikiljohne, merchant, burgess of Edinburgh, for Mathow Flemying and Colene Campbell, merchants, burgesses of Glasgow, to pay to the Comptroller the sum of £21 for each tun of 19 tuns of wine brought home, in case it be found that they ought to do so. Fol. 190, a.

Edinburgh, 27th July. Robert Montgomery.

Robert Crawfurd of Possell for Robert Montgomry of Hasilheid, £1000, to appear before the Lords of Secret Council upon 11th August next, and answer for the taking of Johnne Ryburne of that Ilk and for not putting him to liberty,—conform to the charge executed against him.

Alexander Dunbar.

Alexander Dumbar in Baldune, as principal, and Archibald Lokhart, merchant, burgess of Air, and George Peirsoun, stabler in Edinburgh, as sureties, 2000 merks, to answer before the Lords of Secret Council upon 25th August next to a complaint made against him by William Dunbar of Culmalyeo.

Edinburgh, 28th July. Robert Hamilton.

Murdo Reid, tailor, burgess of Edinburgh, for Robert Hammiltoun in Prestoun, 300 merks, not to harm Johnne Hill, or Cristeane Symsoun, his spouse, in Prestoun. Fol. 190, b.

Acta Caut. 1601–1605.

Robert Farquhar of Gilmiscroft for Williame Campbell of Grenokmanis, bailie of Kyllismure, 1000 merks, not to reset, speak or intercommune with Williame Dumbar of Enterkin and Johnne Dalrumple of Stair, during their rebellion.—Mr. Isack Broun, advocate, registers the band, written by Peter Roger, and subscribed at Mauchline, 22nd July, before Robert Aitkyn, notary, and the said Peter. William Campbell.

Fol. 191, a.

George MakGregour, elder, burgess of Perth, and Mr Patrik Makgregour, his son, as principals, and Robert Andersoun, merchant, burgess of Perth, as surety, and the said George M°Gregour, elder, for George M°Gregour, younger, and Dugall MakGregour in Perth, to quit and renounce their former "unhappie name" of M°Gregour, "and in all tyme heirefter tak to thame and call thameselffis the name of Johnnestoun," according to "thair grit and solemp aithis" given in presence of the Lords of Secret Council, under pain of perjury and defamation, and farther under the pains following,—viz., George, elder, 1000 merks, Mr. Patrik, 500 merks, and each of the others, 300 merks; also, not to reset or intercommune with any M°Gregour. George MacGregor and others.

Fol. 191, b.

Williame Jardane of Thornik for Johne Jardane of Breriebill, £500, not to harm Johne and Thomas Kennedyis of Halyis.—Cornelius Tennent registers the band, written by Johne Blaik, notary, and subscribed at Drumfreis, 21st July, before Johne Merschell, burgess of Drumfreis, Robert Cunynghame, notary, Johnne Duncane and Mungo Rannald, wrights, burgesses there,—the writer hereof, and Harbert Cunynghame, notary, subscribing for the cautioner and principal. Edinburgh, 29th July. John Jardine.

Mark Achesoun, fiar, portioner of West Prestoun, for George Hammiltoun in Panis, and James Hammyltoun, his brother, not to harm Johnne Hill, or Cristeane Symsoun, his spouse, in Prestoun,—conform to the charge given to them by Thomas Edislaw, messenger,—under the pain of 300 merks.—Robert Hammiltoun, advocate, registers the band, written by George Diksoun, notary in Prestounpanis, and subscribed there, 28th July, before Walter Reid, merchant, James Williamsoun, mariner, Johne Thomsoun, "travelar" in Prestounpanis, and the said notary. George and James Hamilton.

Fol. 192, a.

Thomas Fallisdaill, burgess of Dumbartane, for Alexander Colquhoun of Lus, 300 merks, to appear himself personally and enter Johnne Colquhoun of Camstrodane, Patrik Colquhoun *alias* Nidar, Johnne Dow M°Oneill V°Neill, Scrogie M°Inteir, Robert and Donald the Leuch, Makmyllon's sons, and Walter M°Patrik Dow V°Wattie, before the Secret Council upon 11th August next, to answer to a complaint made against them by Sir Johnne Murray of Tullibardin, touching the alleged reif of certain goods. Colquhoun of Luss.

Thomas Ramsay of Balmounth takes in hand to enter Williame Ker, Englishman, dwelling in Northame, before the Lords of Secret Council, upon 6th August, under all highest charge and peril "for the dimitting of sic ane persoun," or else to appear himself and underlie such censure and punishment as shall be prescribed to him. Edinburgh, 30th July. Thomas Ramsay and William Ker.

Alexander Haitley, sometime servitor to the Laird of Mellerstanis, for Robert Edgar.

Robert Edzer of Woderly, £100, to buy from Colonel Balfour such stands of arms as he is legally astricted to buy, according to the Act of Convention. Acta Caut. 1601–1605.

Edinburgh, 1st Aug. William Alshenan.

Johne Alschenane of Dunloip for Williame Alschenane in Croftrie, 300 merks, not to reset or intercommune with James Mure and Roger Mure, sons of the late Gilbert Mure in Kirkchryst, during their rebellion, —conform to the letters raised at the instance of James M°Clellane of Auchinhay.—Johne Haliday, advocate, registers the band, written by Robert Alschenane, notary, and subscribed at Culquhan, 30th July, before Mr. Gilbert Gordoun of Schirmerers, Johne Alschenan in Culquhan, James Haliday there, George Stevinsoun there, and Johne M°Clellane there,—the said notary subscribing for the principal. Fol. 192, b.

Michael Mitchell.

Michaell Mitchell, burgess of Edinburgh, as principal, and Archibald Lokhart, burgess of Air, as surety, 200 merks, not to harm George and Cuthbert Wysmanis, burgesses of Edinburgh.

Edinburgh, 2nd Aug. Henry Millar.

Robert Grahame of Thornik for Hendrie Myllair in Brothell, 500 merks, not to harm Johnne Moir, son of Thomas Moir, portioner in Abirergie, or Andro Pittinbrog,—Mr. Johnne Ogilvy of that Ilk and the said Hendrie becoming sureties in relief. Fol. 193, a.

John Watson.

Patrik Gibsone, son of the late William Gibsoun of Sherefmylne, for Johne Watsoun, son and apparent heir of Nicoll Watsoun, portioner of Cowtfauld, 500 merks, not to harm Robert Dumbar of Burgie, Mr. Thomas Dumbar, dean of Murray, Mr. James Dumbar, chantor of Murray, Katherene Reid, George Adamesoun of Braco, Alexander and James Adamesonis, his sons, Alexander Adamesoun, his son natural, or Hew Adamesoun, burgess of Edinburgh; also, to pay to the Treasurer the sum of £100 for the gift of his escheat goods, in case it be found that he has any goods outwith the regality of Kinlos. Fol. 193, b.

Edinburgh, 3rd Aug. Cumming, fiar of Altyre.

Robert Innes of that Ilk for James Cumyng, fiar of Aulter, £1000, not to harm Thomas Urquhart of Burdisyards, provost of the burgh of Forres, James Dumbar, Thomas Tulloch, Charlis Reid, Francis Forbes, bailies thereof, Robert Tulloch of Tannacheis, Mr. James Dumbar of Sanquhar, Johne Dumbar, son of the late David Dumbar, burgess there, Johne Dumbar, son of the late Johne Dumbar in Boighole, Johne Sinclar there, Nicoll Duff, burgess there, Robert Winchester, burgess there, Alexander Nicolsoun, burgess there, Johne Warrand, burgess there, William Urquhart, burgess there, James Urquhart, burgess there, Johne Andersoun, burgess there, Arthour Niniane (? Morum), burgess there, Alexander Dumbar, burgess there, Andro Allane, burgess there, Alexander Alves, burgess there, or Nicoll Tolme (? Polmay), burgess there,—conform to the King's letters and charge dated at Edinburgh 13th December 1602.—Mr. Alexander Cumyng, advocate, registers the band, written by Alexander Richardsoun, minister at Dolles, and subscribed at Elgyne, 29th July, before Johne Innes of Lucharris, Mr. William Douglas, treasurer of Murray, Johne Gibsoun, burgess of Elgyne, the said minister, and George Cumyng, notary public. Fol. 194, a.

Acta Caut. 1601–1605.

Williame Ker of Mersingtoun for Johnne Tait and Henry Smyth, 300 merks each, to enter before the Lords of Secret Council when charged upon six days' warning. Edinburgh, 6th Aug. John Tait and Henry Smith.

Williame Forbes of Monymusk for James Gordoun, fiar of Newtoun, 2000 merks, and for Michaell Hay in Williamestoun, William Clerk in Polquhat, Thomas Clark there, Andro Lytiljohnne there, and Williame Allene there, 400 merks each, not to harm William Cruikschank of Tullimorgon.—Mr. Johnne Makgill registers the band, written by Johnne Strauchane, servitor to the said James, and subscribed at Monymusk, 30th July, before William Symsoun, Patrik Gordoun, and the said writer hereof. Edinburgh, 8th Aug. James Gordon and others.

Fol. 194, b.

Robert Innes of that Ilk for Thomas Cummyng of Aultur, 2000 merks, not to harm the provost, bailies, council and community of Forres, conform to the charge given to him dated at Edinburgh 13th December 1603 (? 1602).—Mr Johne M'Gill registers the band, written by Johnne Cummyng of Earnesyd, and subscribed at Elgyne, 3rd August, before the said writer hereof, Johnne Annand, burgess of Elgyne, Archibald Cumming, son of the said Thomas, and Alexander Bonyman, son of George Bonyman, burgess there. Cumming of Altyre.

Fol. 195, a.

Andro Naper, merchant, burgess of Edinburgh, for Sir Duncane Campbell of Glenurquhy, to pay to David Coupar, factor of the priory of Charterhous, (1) £48 for his part of the taxation of £100,000 granted for the King's marriage, for the tax of the lands of Arcolich and Glendochart, held of the said priory, lying within the shire of Perth, (2) £48 for the tax of the said lands for the taxation of £100,000 granted "to the Princis baptysm," (3) £60 for his part of the taxation of 200,000 merks for the said lands,—extending in all to £156,—in case it be found, after trial of the verity, that he ought to do the same. Edinburgh, 11th Aug. Sir Duncan Campbell.

Andro Hewat, "puderar," burgess of Edinburgh, for Thomas Cummyng, elder of Aultar, 1000 merks, not to harm Thomas Urquhart, provost of Forres, and his colleagues foresaid (*ante*, p. 798). Cumming of Altyre.

Fol. 195, b.

Williame Craufurd of Leifnoreis for his servants Williame Dalrumple in Pennyfodyeochmylne and George Dalrumple, his son, 500 merks each, not to reset or intercommune with Johne Dalrumple of Stair during the time of his rebellion,—conform to the letters raised at the instance of Hew Dumbar, servitor to Mr. Williame Scot of Elie, dated at Edinburgh 2nd August, and of his Majesty's reign of England, France and Ireland, the first, and, of Scotland, the 36th year.—Joseph Myllar, advocate, registers the band, written by Alexander Cuninghame, "my servitour," and subscribed at Leifnoreis, 8th August, before Hew Craufurd, William Guy, "my servitouris," and Johne Kennedy of Carbole. William Dalrymple and son.

George Crawfurd, younger of Leifnoreis, for Issobell Kennedy, Lady Stair, James Dalrumple, her son, Margaret Dalrumple, relict of the late David Kennedy of Boig, and Williame Dalrumple, son of William Dalrumple, elder at Pennyfodyeochmylne, 500 merks each, to the effect foresaid.—Joseph Myllar registers the band, written by James Wallace, writer in Air, and subscribed at Uchiltrie, 8th August, before Mr. Johne Lady Stair and others.

Fol. 196, a.

Inglis, minister at Uchiltrie, and Johne Colvill and Robert Stewart, servitors to my Lord Uchiltrie. Acta Caut. 1601–1605.

James Sinclair. Johne Forrester, burgess of Edinburgh, for James Sinkler, third brother of the Laird of Langformagus, £50, to buy from Colonel Balfour such stands of arms as he is astricted to buy according to law.

Edinburgh, 12th Aug. Alexander MacClanochan. Arthour Kennedy, fiar of Balferoch, for Alexander M^cClannoquhen in Drumpaill, 500 merks, not to harm Jonet Kennedy, relict of Adame Boyd of Pinkhill, in her body or goods, specially by eating and destroying her meadow, corns or pasturage of the lands of Airtfeild.—Mr. Patrik Murray, advocate, registers the band, written by Gilbert Girvane, servitor to Johne, Earl of Cassillis, and subscribed at Meyboll, 9th August, before Hew Kennedy of Garriehorne, Johne Dick of Barbourstoun, and Gilbert Ros, provost of Meyboll. Fol. 196, b.

Edinburgh, 15th Aug. Patrick MacBryde. Sir Johne Vaus of Longcastell for Patrik M^cBryd in Drumgangour, 500 merks, to the effect foresaid.—Mr. Alexander King, advocate, registers the band, written by Johne Kennedy, notary, and subscribed at Meyboll, 9th August, before the said writer hereof, Gilbert Garvane and Alexander Baxter, servants to my Lord of Cassillis, and Robert Flemyng, stabler in Edinburgh. Fol. 197, a.

Mr. John Brown. Mr. Johne Broun, merchant, burgess of Perth, as principal, and James Broun, chirurgeon, burgess of Edinburgh, as surety, to pay to the Comptroller the sum of £21 for the impost of each tun of six tuns and a puncheon of wine brought home by him and sold to certain noblemen, barons and gentlemen, in case it shall be found that he ought to do so.

Holyrood-house, 15th Aug. Robert Montgomery. Robert Boyd of Badinhaith, Hew Montgomry of Braidstane, and Williame Montgomry, merchant, burgess of Edinburgh, for Robert Montgomery of Hasilheid, 5000 merks, that, on being freed furth of the castle of Edinburgh, he will remain in the burgh thereof till relieved by the Council's warrant.

Patrick Cunningham. Williame Porterfeild of Duchell, and Johnne Cunynghame, merchant, burgess of Edinburgh, for Patrik Cunynghame of Bordland, presently warded in the castle of Edinburgh, 5000 merks, that, on being freed furth thereof, he will re-enter by 22nd instant, being Monday, at even. Deleted by command of the Council, in respect that Patrik Cunynghame has subscribed an assurance to his party: J. Prymrois. Fol. 197, b.

Edinburgh, 17th Aug. Patrick Chirnside. Robert Logane, bailie of Restalrig, Niniane Chirnesyd of Cluhitsounlawis, and Mungo Hendersoun, cordiner, burgess of Edinburgh, for Patrik Chirnesyd in Edinburgh, 3000 merks, to answer before the Council upon 25th instant for the speeches uttered by him to Duncane Wallace; also, not to harm Wallace.

Edinburgh, 18th Aug. Robert Montgomery and James Montgomery. Robert Montgomrie of Hasilheid, as principal, and Robert Boyd of Badinhaith, as surety, 5000 merks, that, on being relieved of his ward in the burgh of Edinburgh, he will remove no farther from the burgh than eight miles, and will appear before the Secret Council upon 25th instant. Also, the said principal for James Montgomry, his brother, 1000 merks, that, on being freed furth of Edinburgh castle, he will do the same. Deleted in respect of their compearance at Edinburgh upon 25th August. Fol. 198, a.

.cta Caut. 601–1605.

Patrik Hammiltoun of Bordland for George Craufurd, younger of Leifnoreis, £1000, not to reset or intercommune with Johne Dalrumple of Stair, who is denounced rebel at the instance of Hew Dumbar, servitor to Mr. William Scot of Elie,—conform to the letters and charges given by Robert Gilmene, messenger.—Joseph Myllar, advocate, registers the band, written by William Bryane, notary, and subscribed at Leifnoreis, 18th August, before these witnesses: viz. Mathow Craufurd of Gas, George Craufurd in Auchinver, Hew Craufurd, Alexander Cunynghame, servitor to the Laird of Leifnoreis, elder. Edinburgh, 20th Aug. George Crawford, younger.

ol. 198, b.

Patrik Hammiltoun of Bordland for Williame Craufurd of Leifnoreis, £1000, to the effect foresaid.—The band is registered, written and witnessed as above, except that the name of Hew Craufurd does not appear in this instance among the witnesses. William Crawford.

ol. 199, a.

Henrie Stewart of Barskymming for Andro, Lord Stewart of Uchiltrie, £1000, also to the effect foresaid.—The band, registered and written as above, is subscribed at Uchiltrie, 18th August, before James Dalrumple, servitor to Johne Kennedy of Blairquhan, George Murray in Uchiltrie, Williame Bryane, notary, and James Gibsoun in Auchlin. Lord Ochiltree.

Johnne Fairlie, merchant, burgess of Edinburgh, as principal, and Johnne Diksoun in Ednem, as surety, £1000, not to harm James Ker in Restalrig. Edinburgh, 25th Aug. John Fairlie.

l. 199, b.

William Dowglas of Mar for Sir James Dowglas of Drumlangrig, 1000 merks, and for William Dowglas, apparent of Drumlangrig, his son, 500 merks, not to reset or intercommune with Johne Sitlingtoun in Stanehous, slayer of Fergus M°Michaell in , put to the horn for not answering for the said slaughter,—conform to the charge given to Sir James and his said son at the instance of Johne M°Michaell, brother, Cuthbert M°Cubene, and the remanent kin and friends, of the late Fergus.—Mr. Umphra Blensele, advocate, registers the band, written by Robert Logane, servitor to Mr. Williame Broun, and subscribed at Drumlangrig, 22nd August, before William Crychtoun of Darnehunche, sheriff depute of Nithisdaill, and Andro Murray and Johne Dowglas, servitors to the Laird of Drumlangrig. Sir James Douglas, and William Douglas, younger.

l. 200, a.

Johnne Baillie of Braidschaw for Williame Bailyie of Lamyngtoun, £1000, either to cause restore, by 1st September next, to Niniane M°Moirine, merchant, burgess of Edinburgh, the four saddled horses, belonging to him, reft by Johne and Hary Stewartis, and cause these persons to find sureties for the indemnity of the said Niniane, or else to enter again in the castle of Edinburgh betwixt this date and 1st September. Edinburgh, 26th Aug. William Baillie.

Johnne Houstoun of Lany for dame Jeane Ros, Lady Craigiehall, £1000, to the effect just foresaid,—except that compearance before the Lords of Privy Council upon 1st September takes the place of re-entry in Edinburgh Castle. Lady Craigy hall.

. 200, b.

Patrik Nemok, tailor, burgess of Edinburgh, for Alexander Stewart of Gairlies, to pay within 40 days hereof to the Treasurer £100 for his escheat goods,—he having been denounced rebel for not subscribing an assurance to the Laird of Blairquhen,—or else to report nullity of the horning Edinburgh, 27th Aug. Alexander Stewart.

executed against him: George Murray of Brochtoun becoming surety in relief. Acta Caut. 1601-1605.

Alexander and John Murray. Alexander Blacanquell of that Ilk for Alexander Murray of Wodend, and Johnne Murray, portioner of South Kinkell, either of them in £100, to buy from Sir Micchell Balfour such stands of arms as they are legally bound to buy.

Robert Montgomery. Johnne Crawfurd of Mylnehous for Robert Montgomry in Nethir Craig, £1000, not to harm Johnne Dunlop of Polnuinemylne or Hew Montgomry of Cokilbie.

Alexander and John Murray. Sir Johnne Murray of Tullibardin for Alexander Murray of Wodend and Johnne Murray in Balgour, to pay each of them £40 to the Treasurer for their escheat goods, they having been denounced rebels for not buying the armour effeiring to their degree.—Mr. Alexander Sym, advocate, registers the band, written by Anthoun Quhyte, writer in Edinburgh, and subscribed at Gask, 23rd August, before Johnne Vaus of Fornoche, Anthoun Murray in Dowhald, and the said writer hereof. Fol. 201, a.

John, Thomas, and Robert Kennedy. Harbert Diksoun, burgess of Drumfreis, for Johne and Thomas Kennedeis of Hallaithis, and Robert Kennedy, their brother, £500 each, not to harm Johne Jardane of Berriehill.—Mr. Patrik Murray, advocate, registers the band, written by Herbert Cunynghame, notary, and subscribed at Drumfreis, 25th August, before Mr. Johne Maxwell, burgess of Drumfreis, Andro Cunynghame, burgess there, Johne Lamb, goldsmith, Alexander Hoip in Drumfreis, Robert Cunynghame, notary,—the said Herbert Cunynghame subscribing for Johne Kennedy of Hallaithis. Fol. 201, b.

Edinburgh, 30th Aug. William Gordon. Alexander Gordoun of Balcray for William Gordoun of Crachlaw, £1000, not to harm Jonet Kennedy, relict of Adame Boyd of Pinkhill, by holding of bestial upon her lands of Airtfeild, or by destroying the corns, hained grass and pasturage of the same, belonging to her in liferent.—Mr. Lawrence M°Gill, advocate, registers the band, written by James Glovar, notary, and subscribed at Stranrawer, 13th August, before Robert Gordoun of Barnerne, Alexander Gordoun, brother of the said William, the said writer hereof, and Alexander M°Bryde in Gass. Fol. 202, a.

Edinburgh, 31st Aug. James Moncur. Andro Moncur of that Ilk for James Moncur, burgess of Dundie, 300 merks, to answer before the Secret Council upon the second Council day after his home-coming from the Easter Seas,—where he is at present occupied in his lawful trade of merchandise,—to a complaint made against him by David Flescheour, burgess of Dundie, touching certain points of oppression committed by him upon David.

Edinburgh, 12th Sept. John Livingstone and his sons. David Dundas of Preistisinche that Johne Levingstoun of Braidlaw will pay to the Treasurer £20, and his sons, Johne, David and Androw Levingstones, £6 each, for the gift of their escheat fallen through their being denounced rebels for not answering to a complaint made against them at the instance of dame Jeane Hammiltoun, Lady Ros, and Sir Robert Melvill, her spouse,—and that within 40 days hereof,—or then report nullity of the decree of horning obtained against them.

Edinburgh, 13th Sept. Symound, Lord Fraser of Lovet, for James Cummyng, fiar of Aultar, 2000 Fol. 202, b.

ta Caut. 01–1605.

merks, and for Johnne Cummyng, his servitor, 500 merks, not to harm Thomas Cummyng, elder of Aultar, James Hay in Phorp, Robert Hay in Little Brinchellis, sons of the late Thomas Hay in Edinvaill, William Hay in Ballachragane and Johne Hay in Belliwrait, his brother, or Thomas Hay, merchant, burgess of Elgyne.—Mr. James Davidsoun, advocate, registers the band, written by Alexander Don, notary, and subscribed at Perth, 12th September, before Hary, Commendator of St. Colme's Inche, James Lyndsay of Dowhill, Alexander Ruthvene, Patrik Fraser, and Johnne Reid. James and John Cumming.

l. 203, a. Williame Mayne, bower, burgess of Edinburgh, for Patrik Andersoun, messenger, £100, to answer when charged before the Lords of Secret Council at the instance of the bailies of Leith for whatever can be laid by them to his charge. Edinburgh, 14th Sept. Patrick Anderson.

James Nicoll, merchant, burgess of Edinburgh, for James Blacader of Tulliallane, £1000, to answer upon 22nd September instant to the letters executed against him touching the wounding of Mr. Henry Forrestir, minister at Tulliallane. Edinburgh, 16th Sept. James Blackadder.

Thomas Cuming of Altir for his servants, James Hay in Little Phorp, Robert Hay in Brunchellis, William Hay in Ballachragan, Johnne Hay in Balliwrait, William Clerk there, Johnne Hay, son of the late Hucheoun Hay in Auchnes, Johnne Russell in Auchnes, Johnne Bowy in Craigmylne, 400 merks each, not to harm James Cuming, fiar of Alter, conform to the charge given to them, dated at Edinburgh 27th August and of the King's reign of England, France and Ireland, the first year, and of Scotland the 37th year (1603).—Mr. James Donaldsoun, advocate, registers the band, written by Thomas Hay, burgess of Elgin, and subscribed there, 13th September, before Thomas Cuming, second son of Thomas Cuming of Altir, Robert Falcouner in Quhytfeild, Archibald Cuming, son of Johnne Cuming of Ernsyd, Thomas Man, messenger, and said writer hereof, —Thomas Hay, notary public, subscribing for the said principals. Edinburgh, 19th Sept. James Hay and others.

. 203, b.

. 204, a.

Alexander Lawder of Haltoun, as principal, and James Sommervaill of Humbie, as surety, £1000, not to harm the provost, bailies, council and community of the burgh of Peblis. Edinburgh, 22nd Sept. Alexander Lauder.

204, b. Alexander Ogilvy, deacon of the tailors of the Cannogait, as principal, and Williame Donnaldsoun, tailor there, *et vice versa*, 200 merks each, not to harm James Stewart, son of the late James, Master of Buchane. Edinburgh, 24th Sept. Alexander Ogilvy and William Donaldson.

William Tailyeour, tailor in the Cannogait, as principal, and Alexander Ogilvy, deacon of the tailors there, 200 merks, to the effect foresaid. William Taylor.

Gawin Young, tailor in the Cannogait, as principal, and William Donnaldsoun, tailor there, as surety; Henry Scot, tailor there, as principal, and the said Gawin, as surety; and James Young, tailor there, as principal, and the said Gawin, as surety, 200 merks each,—also to the effect foresaid. Gavin Young and others.

205, a. Alexander Auld, merchant, burgess of Edinburgh, for Johne Wilsoun, burgess of Pittinweme, £200, that, on being freed furth of the tolbooth of Edinburgh, he will appear before the Secret Council when charged and answer for the "ryving" of the letters of lawburrows executed against him John Wilson.

by James Philp, officer, at the instance of James Stevinsone in Pettinweme, Margaret Knycht, his spouse, and Jonet Keith, her mother. Acta Cant. 1601-1605.

Edmond Smith and John Thomson.

Edmond Smyth, tailor in the Cannogait, as principal, and Johne Thomesoun, tailor there, as surety, *et vice versa*, 200 merks each, not to harm James Stewart, son of the late James, Master of Buchane.

Edinburgh, 26th Sept. William Bertram and William Christie.

William Bartrum, tailor in the Cannogait, as principal, and James Young, tailor there, as surety, and both for Williame Chrystie, tailor there, 200 merks each, to the effect foresaid. Fol. 205, b.

Sir Duncan Campbell.

Arthour Hammiltoun, writer, for Sir Duncane Campbell of Glenurquhy, to restore to Johne Stewart in Fos two mares stolen from him by Duncane M^cGregour, son of Duncane Abrich M^cGregour, alleged to be his man, or else to pay to him the sum of 40 merks for each mare, in case it be found that the said Duncane is his man.

Edinburgh, 27th Sept. Alexander Gardner and William Wilson.

Alexander Gairdner, tailor in the Cannogait, as principal, and William Bartrum and William Wilsoun, tailors there, as sureties, and the said Wilsoun, as principal, and the other two, as sureties, 200 merks each, not to harm James Stewart, son of the late James, Master of Buchane.

Edinburgh, 28th Sept. Alexander Copland.

Patrik Coupland of Udach for Alexander Cowpland, his brother, to answer before the Secret Council upon 1st November next, under the pain of 500 merks, to a complaint made against him by Magnus Mowat, fiar of Boquhallie, touching certain points of oppression committed by him upon the said Magnus, and specially touching the taking of the place and fortalice of Freschweik in Caithnes belonging to said Magnus, and keeping it as a house of war; also, not to harm the said Magnus, under the pains in the letters of lawburrows executed against him; farther, to pay to the Treasurer £10 for his escheat goods within 40 days hereof, or else obtain nullity of the horning used against him for his non-compearance to answer the said complaint.—Mr. Patrik Murray, advocate, registers the band, written by Edward Meklejohne, servitor to James Prymrois, Clerk of Secret Council, and subscribed at Leith, 27th September, before Galland Urquhart, Williame Coupland, William Forsyth, and Mr. Patrik Murray. Fol. 206, a.

Edinburgh, 29th Sept. Alexander Bryson.

Alexander Brysoun, tailor in the Cannogait, as principal, and Johnne Sandersoun, tailor, burgess there, as surety, 200 merks, not to harm James Stewart, son of the late James, Master of Buchane. Fol. 206, b.

Mr. Robert Johnstone and his spouse.

James Cochrane of Barbachlaw for Mr. Robert Johnnstoun of Leuchy, and Suzanna Hammiltoun, his spouse, £1000, not to harm Mr. James Johnnstoun, portioner of Ballincreiff.

William Fleming.

Alexander Stewart of Gairlies for Williame Flemyng of Craigdu, 1000 merks, not to harm Johnne Maxvell of Garrery, 1000 merks.—Mr. Alexander King, advocate, registers the band, written by Johnne Turner, notary, and subscribed at Wigtoun, 24th September, before Johnne Ahannay of Kirkdaill, Williame Baillie, "my servitour," Alexander Herroun in Kerybenny, and the said notary,—the last subscribing for the principal. Fol. 207, a.

Alexander Stewart.

Williame Flemyng of Craigdu for Alexander Stewart of Gairlies, 2000 Fol. 207, b.

cta Caut. 501–1605.

merks, to the effect foresaid.—The band is registered, written, dated and witnessed as above.

ol. 208, a.

Johne Stenhope, younger of Stenhoipismylne, for Alexander Fraser in Leith, 300 merks, not to harm Mr. James Myllar, writer. Edinburgh, 3rd Oct. Alexander Fraser.

Alexander Farqurharsoun of Thome for Patrik M^cKinleiche, elder of Cammes, £500, and for Patrik M^cInleiche, younger thereof, 500 merks, not to harm Andro Spalding of Eschintullie, or David Spalding, fiar thereof. Patrick Mac-Inleich and his son.

ol. 208, b.

Alexander Retray, fiar of Dalrilyeane, for Barbara Ratrey, relict of Rob M^cComie of Thome, and Alexander Farquharsoun, now her spouse, 500 merks each, to the effect just foresaid, conform to the King's letters dated at Edinburgh 24th August last.—Mr. Lowrence M^cGill registers the band, written by George Moresoun, servant to Donnald Cargill, notary, and subscribed at Cowpar in Angus, 2nd October, before Archibald Ogilvy of Grange, James Nasmyth of Inver, George Mathow, messenger, James Pettillo, younger, in Cowpar, Donnald Cargill, notary, and the said writer hereof. Alexander Farquharson and spouse.

ol. 209, a.

Sir James Stewart of Balleachan for James, Earl of Athoill, £2000, Sir Robert Creichtoun of Cluny, 2000 merks, Williame and Robert Stewartis, brothers of the late Johne, Earl of Athoill, 1000 merks each, not to harm Mr. James Stewart, commissary of Dunkeld, William Banerman of Glendukie, George Leslie, captain of Blair, Alexander Bruntfeild, Thomas Hunter, Johne Cadell, Johne Burne, Androw Banerman, Leonard Burt (Bute), James Mure (Myllar) and Johne Nicolsoun, servants to dame Marie Ruthven, Countess of Athoill.—Mr. James Donnaldsoun, advocate, registers the band, written by Peter Algeo, servant to the said advocate, and subscribed at Cluny, 4th October, before William Stewart of Kynnaird, Johne Stewart, his son, Duncane Meinzeis of Enoch, Mr. William Young, minister at Cluny, Johne Stewart in Fos, and George Mathow, messenger. Edinburgh, 6th Oct. Earl of Atholl and others.

l. 209, b.

Sir Robert Crychtoun of Cluny for Sir James Stewart of Balleachan and David Hering of Glasclune, 2000 merks each, to the effect foresaid.—The band is registered, dated and witnessed as above, but with the omission of Johne Stewart in Fos from the list of witnesses. Sir James Stewart and David Heron.

Mr. George Dowglas, son of the late James, Earl of Mortoun, appears and consigns in the hands of James Prymrois, Clerk of Secret Council, the sum of £16, 13s. 4d., to be delivered to Ludovick, Duke of Lennox, collector of the taxation of 100,000 merks, for his part of the said taxation imposed upon a pension of 24 bolls victual which he has out of the priory of St. Androis,—in case it be found that he ought to do the same. Edinburgh, 8th Oct. Mr. George Douglas.

l. 210, a.

George Halyburtoun of the Mylne of Kethins for James Naismyth of Inver, 1000 merks, not to harm dame Marie Ruthven, Countess of Athole, Mr. James Stewart, commissary of Dunkeld, or any of the other persons abovewritten, her servants.—Robert Hammyltoun, advocate registers the band, written by Mr. Walter Stewart, notary in Dunkeld, James Naismith.

and subscribed there, 8th October, before Williame Fyfe, notary, and the writer hereof. Acta Cant. 1601–1605.

George Haliburton.

James Naismith of Invar for George Halyburtoun of the Mylne of Kethins, 1000 merks, to the effect foresaid.—The band is registered, written, dated and subscribed as above. Fol. 210, b.

Edinburgh, 10th Oct. John Luckhop.

Gilbert Dik, merchant, burgess of Edinburgh, for Johne Lukop, skipper in Leyth, 200 merks, to answer before the Secret Council to a complaint made against him by William M^cCartnay, clerk of the cocket, and Thomas Wycht, his depute,—when warned, after his returning from his present voyage; also, to pay bullion due for the whole goods exported by him in his ship called the "Temperance" in the month of July or August last.

Countess of Atholl and others.

David, Master of Crawfurd, for dame Marie, Countess of Atholl, David Lindsay of Querrelhill, George Leslie, captain of Blair, Andro Banerman in Dunkeld, James Banerman, his son, William Banerman of Glenduikie, James Banerman, son of Lowrence Banerman, Alexander Burnefeild, Thomas Hunter, Johnne Caddell, and Johnne Burne, servitors to the said dame Marie, not to harm James, Earl of Atholl, William Stewart, brother of the late Johnne, Earl of Atholl, James Naismeth of Inver, James Halyburtoun of Kethins, Johnne Colein in Reidcastell, James Stewart, captain of Logyalmond, or Patrik Forbes in Dunkeld, under the pains following: viz. dame Marie to Earl of Atholl 5000 merks and to the said William Stewart and his colleagues abovewritten £2000, the said David Lindsay and Captain of Blair £1000 each, and each of the others 500 merks.—Mr. Alexander Peblis, advocate, registers the band, written by James Stewart, and subscribed at Perth, 9th October, before Robert Hunter and George Lindsay, servitors to the said Master of Crawfurd, and Patrik Inglis. Fol. 211, a.

Edinburgh, 17th Oct. Robert Birnie.

William Gordoun of Geicht for Robert Birny in Brakley-Tarves, 1000 merks, not to harm James Gordoun of Haddo or Johnne Gordoun of Tirelt.—Mr. Lourence M^cGill registers the band, subscribed at the Kirk of Tarves, 6th October, before William Prot (Prate), George Pringle, William Kar, William Steward, Johnne Meldrum, William Gordoun, and William Leslie, notary public. Fol. 211, b.

George Rutherford.

Thomas Rutherfurd of Hunthill, younger, for George Rutherfurd of Ewingstoun, 1000 merks, not to harm Hary Broun in Edinburgh or Daniell Broun in Blans.—Mr Johnne. Leirmounth, advocate, registers the band, written by Robert Aleusoun, notary in Jedburgh, and subscribed there, 12th October, before Mr. Johnne Rutherfurd, brother of the said Thomas, Andro Rutherfurd in Nisbit, George Rutherfurd, burgess of Jedburgh, and Robert Aleusoun, notary, burgess there. Fol. 212, a.

Mr. John Rutherford.

Andro Newtoun, burgess in Jedburgh, for Mr. Johnne Rutherfurd, bailie there, 1000 merks, to the effect foresaid.—The band, registered and written as above, is subscribed at Jedburgh, 7th October, before Johnne Lyn (Lyell), chirurgeon, William Newby, messenger, and Robert Alewsoun, notary.

.cta Caut. 301–1605. ol. 212, b.

Patrik Hammyltoun of Levingstoun and Robert Hammyltoun of Bathcat, £1000 each, *hinc inde*, not to harm Mr. James Johnestoun, portioner of Bankcreif.—Mr. Johnne Makgill, advocate, registers the band, written by Robert Ker, son of Andro Ker, sheriff clerk of Lynlythqu, and subscribed at Lynlythqu, 13th October, before Hary Hammiltoun, son of the Laird of Bathcat, and the said writer hereof. Patrick and Robert Hamilton.

ol. 213, a.

Patrik Cowpland of Idach for Alexander Cowpland, his brother, 1000 merks, not to harm Alexander Mowat, servitor to Mr Alexander Gibsoun, one of the ordinary clerks of session; also, to pay to the Treasurer £10 for his escheat goods within 40 days hereof, or else report nullity of the decree of horning obtained against him. Alexander Copland.

ol. 213, b.

William Maxwell, apparent of Tinwall, for Homer Maxwell of Carnesallauch, 2000 merks, not to harm Harbert Maxwell of Kirkmaho.—Mr. Lowrence M^cGill, advocate, registers the band, written by Robert Cunynghame, notary, and subscribed at Drumfreis, 17th October, before Mr. Alexander Maxwell, servitor to Johnne, Lord Maxwell, Harbert Maxwell of Lochcach, burgess of Edinburgh, William Maxwell, son natural of the said Homer, and the said writer hereof. Edinburgh, 20th Oct. Homer Maxwell.

l. 214, a.

Williame M^cKie in Tarras for Thomas Murray there, 300 merks, not to harm James, Earl of Murray, or his men,—conform to the King's letters dated at Edinburgh 21st December 1602.—Mr. Patrik Forrest, advocate, registers the band, written by Nicoll Duff, notary public, and subscribed at Forres, 4th October, before Alexander Dumbar of Thornehill, Johne Dumbar in Calseyfuird, William Dumbar, son of Nicolas Dumbar of Boigis, and Johne Patersoun, indweller in Forres,—the said Nicoll Duff and William Forsyth, notaries, subscribing for Williame M^cKie and Thomas Murray. Edinburgh, 22nd Oct. Thomas Murray.

. 214, b.

Johne Dumbar of Moynes for Johne Dumbar in Calseyfuird, 300 merks, to the effect foresaid.—The band, registered and written as above, is subscribed at Forres, 7th October, before Johne Sinclar, burgess of Forres, Alexander Dumbar of Thornehill, Nicoll Duff, and William Forsyth, notaries. John Dunbar.

Thomas Murray, indweller in Tarres, for James Boithe there, 300 merks, also to the effect foresaid.—Mr. Patrik Forrest registers the band, written by William Forsyth, notary public in Forres, and subscribed there, 14th October, before Alexander Dumbar of Thornehill, Johne Dumbar in Calseyfuird, William Dumbar, son of Nicolas Dumbar of Boigis, and Johne Patersone in Forres,—Forsyth and Duff subscribing for Thomas Murray and James Boith. James Boath.

. 215, a.

Thomas Murray in Tarres for William M^cKie there, 300 merks, also to the effect foresaid.—Mr. Patrik Murray registers the band, written by Duff, and witnessed at Forres, 14th October, as above,—the said notaries subscribing for Thomas Murray and William M^cKie. William MacKie.

. 215, b.

James Weymis at the Mill of Werie for Andro Spalding of Eschintullie, £500, and for David Spalding, fiar thereof, his son, 500 merks, not to harm Allaster Farquharsoun in Thome, or Barbara Rettrey, his Andrew Spalding and his son,

spouse,—conform to the King's letters dated at Edinburgh 4th October. Acta Caut. 1601-1605.
—Mr Robert Young registers the band, written by William Spalding, notary, and subscribed at Wodheid of Drumlochie, 18th October, before George Spalding, son of the said William, and Andrew Bruce, servant to the said Andro.

Edinburgh, 24th Oct. Robert Houston and others.

James Castellaw, bailie of Striveling, for Robert Houstoun, Johne Cunyng- Fol. 216, a.
hame, and James Stevinsoun, burgesses there, 500 merks each, not to harm Johne Huchesoun, merchant, burgess of Edinburgh.—James King, advocate, registers the band, written by Alexander Barclay, servitor to Johne Williamesoun, sheriff and town clerk of Striviling, and subscribed there 20th October, before Alexander Auchmowtie and George Archibald, burgesses there, said writer hereof, and Robert Smyth, writer,—John Sinclair and John Williamsoun, notaries, subscribing for Stevinsoun and Houstoun.

Edinburgh, 25th Oct. Patrick Little.

George Tod, eldest son of Alexander Tod, portioner of the town of Dirreltoun, and Patrik Forres in Guillane, for Patrik Lytill in Guillane, 500 merks, not to harm Johnne Smyth, poultryman, burgess of Edinburgh. Fol. 216, b.

Sir John Crichton and others.

Johnne Crichtoun, fiar of Straithurde, for Sir Johnne Creichtoun of Innernytie, Johnne Creichtoun, his son and apparent heir, and Silvester Chapman in Kinclevin, not to harm George Stewart of Arnetullie, or Johnne Stewart, fiar of Arnetully, under the pains in the King's letters.—James King, advocate, registers the band, written by William Hay, servant to the Earl of Erroll, and subscribed at Perth, 22nd October, Fol. 217, a.
before William Myllar in Nether Bleok, Johnne Young, messenger, Alexander Creichtoun, brother of the said Sir Johnne, the said writer hereof, Alexander Lamb, and Williame Martene.

Edinburgh, 28th Oct. James Stewart.

George Leslie, captain of the Blair in Athoill, for James Stewart of Previck, 300 merks, to answer before the Secret Council upon 22nd January next to a complaint made against him by the Treasurer and Advocate and by Johne, Earl of Cassillis, touching the alleged taking of dame Jeane Flemyng, Countess of Cassillis, besieging the house of Auchinsoull, and committing divers other crimes.

Edinburgh, 31st Oct. John Lindsay.

Johnne Dundas of Newlistoun for Johnne Lyndesay of Covingtoun, 300 merks, to deliver the place of Covingtoun to the Treasurer and to enter in ward in the castle of Blaknes, conform to the charge executed at the instance of Mawsie Kirkco, relict of Thomas Baillie of St. Johnniskirk, proceeding upon the horning executed against him,—in case it be found Fol. 217, b.
that he ought to do the same.

Edinburgh, 1st Nov. Alexander Stewart.

Alexander Stewart of Clarie for Alexander Stewart of Gairleis, £1000, not to reset or intercommune with Johnne Gowyne, provost of Quhithorne, who is denounced at the instance of Uthrid McDougall of Mundork.—Cornelius Tennent, advocate, registers the band, written by Johnne Turner, notary, and subscribed at Wigtoun, 25th October, before Sir Johnne Vaus of Longcastell (Barnebarrack), Paull Dumbar, Williame Baillie, and Johnne Turner, notary, servitors to the Laird of Garleis.

James Dalrymple

George Crawfurd, younger of Lefnoreis, for James Dalrumple, servitor Fol. 218, a.
to the Laird of Blairquhan, 400 merks, not to reset or intercommune with

Acta Caut. 1601-1605.

Thomas Kennedie of Drummurchie, Walter Mure of Cloncaird, Thomas M^cAlexander, William Irvine, Thomas Wallace, Gilbert Ramsay,—put to the horn for the slaughter of Sir Thomas Kennedie of Culzeane,—during their rebellion.—Mr Umphra Blinsele, advocate, registers the band, written by Williame Bryane, notary, and subscribed at Uchiltrie, 2nd October, before these witnesses, Williame Bryane, notary public, Robert Mar, and James Stewart.

Acta Caut. 1591-1616. Fol. 30, a.

Gawin Dalzell, merchant, burgess of Perth, for Hew Douglas in Mortoun, and Johne Douglas, his brother, either of them in 500 merks, to answer before the King and Council at Striviling, upon 24th instant, to a complaint against them by James, Lord Hay of Yester, and Johne Cunynghame of Birkschaw, or else by that day to find sufficient lawburrows for their indemnity. Perth, 3rd Nov. Hew Douglas and brother.

Fol. 30, b.

George Haliburtoun at the Mill of Ketins for Robert Turnebull of Denheid, £100, to buy from Sir Mitchell Balfour of Burley such armour as is prescribed to him by the Act of Convention. Perth, 4th Nov. Robert Turnbull.

Walter Leslie of Morlach for Androw Spalding of Eschintullie, £500, and the said Androw for David Spalding, his son and apparent heir, 500 merks, not to harm Patrik M^cInleiche, elder in Camys, or Patrik M^cKinleiche, his son. Andrew Spalding and his son.

Androw Spalding of Eschintullie for William Stewart of Kynnaird, and the said William for Mr. William Meinzeis in Glencoich, his good-son, 1000 merks each, not to harm Mr. James Stewart, commissary of Dunkeld, William Bannerman of Glenduky, George Leslie, captain of Blair, Alexander Bruntfeild, Thomas Huntar, Johnne Caddell, Johne Burne, Androw Banerman, Leonard Burt, James Myllar, and Johne Nicolsoun, servants to Dame Mary, Countess of Athoill. William Stewart and his good-son.

Acta Caut. 1601-1605. Fol. 218, b.

Duncan Meinzeis of Enoch for Alexander Menzeis of that Ilk, 2000 merks, not to harm Mr. James Stewart, commissary of Dunkeld, and his colleagues foresaid, servants to dame Marie, Countess of Athole. Edinburgh 4th Nov. Alexander Menzies.

Johnne Wallis, indweller in the Cannounmylnis, as principal, and George Foullar, armourer, burgess of the Cannongait, as cautioner and surety, £500, not to harm Katherine Scot, or Williame Dykis, tailor, burgess of Edinburgh. Edinburgh, 8th Nov. John Walls.

Fol. 219, a.

Henry Pitcairne of that Ilk for Andro Pitcairne of Innernethie, 1000 merks, not to harm Mr. Archibald Moncreiff, minister at Abernethie,—conform to the letters of lawburrows raised against him dated 4th instant. —Mr Isaac Broun, advocate, registers the band, written by Mr. Androw Pitcairne, scribe, and subscribed at Pitcairne, 10th November, before David Pitcairne and Johne Broun. Edinburgh, 10th Nov. Andrew Pitcairn.

Fol. 219, b.

Johne Kinneir of Botheris for Alexander Melvill in Halkertoun, 500 merks, not to harm Alexander Falconner of Halkertoun.—Mr Umphra Blinsele, advocate, registers the band, subscribed at Brechin, 10th November, before Williame Ramsay, common clerk of Brechin, David Lamb, flesher, citizen there, and Alexander Spalding, writer hereof. Edinburgh, 11th Nov. Alexander Melville.

James Mairjoribanks "haltmaker," and Robert Fergusoun, gardener, Edinburgh, 14th Nov.

William Dykes and others. burgesses of Edinburgh, for William Dyks, James Dykis, and Johne M^cIlrowy, barber, burgess there, 500 merks each, not to harm Johne Wallis in the Cannomylnes. Acta Caut. 1601-1605.

Edinburgh, 18th Nov. Hew and John Douglas. Mr Robert Douglas, provost of Linclowden, and William Dowglas, apparent of Grenelaw, for Hew Douglas in Mortoun, and Johne Douglas, his brother, 5000 merks each, not to harm James, Lord Hay of Yester, or Johne Cunynghame of Birkschaw,—conform to the charge given to them of date 4th instant.—Johne Haliday registers the band, written by Eduard Meklejohne, servitor to James Prymrois, Clerk of Council, and subscribed at Grenelaw, 15th November, before William Maxwell of Cairstairis (Crustaine), George Dowglas in Cungwesen, and Johne Cunynghame and David Johnestoun, servitors to the said Provost. Fol. 220, a.

Edinburgh, 20th Nov. Alexander Melville and spouse. Johne Kynneir of Botheris for Alexander Melvill in Halkertoun and Elizabeth Falconer, his spouse, 500 merks, not to harm Patrik Falconer in Bryntoun.—Mr. Isaac Broun, advocate, registers the band, subscribed at Brechin, 19th November, before William Ramsay, clerk of Brechin, William Weymis, and Alexander Spalding, writer hereof.

Edinburgh, 22nd Nov. Robert Auchinloss. Robert Auchinlos in Little Cowglen had been charged, at the instance of Patrik Maxwell, brother of the late Sir Johnne Maxwell of Nether Pollok, and executor of the late dame Elizabeth Maxwell, his mother, to appear before the King and Council at Halyruidhouse upon 6th September last, to answer for his alleged forging of a suspension of the said Patrik's letters of horning used against him (Auchinlos) and Robert Biggert in Preisthill,—under pains contained in the said charge dated 23rd August last. He had failed to appear, "being ane verie puir man," and because at the date of his expected appearance he was "lyand deidlie seik and mycht nawyse travell"; whereupon, the said Patrik had obtained other letters *simpliciter* to put him to the horn. Now, however, Johnne Stewart of Barscuib becomes surety for the said Robert that he will appear before the said Lords to answer to the said complaint, under such pains as they will be pleased to modify.—Mr. Alexander Cuming, advocate, registers the band, subscribed at Paislay, 19th January, before Johne Vas, one of the bailies of Paislay, James Logane, son of Alexander Logane of Rais, Johne Suderland, burgess there, and Johne Vaus, younger, student in Paislay, writer hereof. Fol. 220, b.

Edinburgh, 26th Nov. Alexander Melville. Johnne Kynneir of Botheris for Alexander Melvill in Halkertoun, 500 merks, not to harm James Mylne and Johnne Cunynghame, servitors to Alexander Falconer of Halkertoun.—Mr Lowrence M^cGill, advocate, registers the band, subscribed at Brechin, 24th November, before William Ramsay, clerk of Brechin, and Alexander Spalding, writer there. Fol. 221, a.

Edinburgh, 28th Nov. Andrew Reid and others. William M^cClellane, younger of Bannangane, for Androw Reid in Strow phastoun, Johne, James and David Reidis, his sons, and Alexander Sinclar, son-in-law of the said Andro Reid, not to harm George M^cKinney, son of Johnne M^cKinney in Aikeris, under the pains contained in the King's letters dated at Edinburgh 7th November last.—Mr Thomas Craig, advocate, registers the band, written by David Ros, notary, and sub- Fol. 221, b.

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scribed at Cumnok, 26th November, before William M^c^clellane of Gelstoun, James Gordoun in Kirkcudbrycht, and the said writer hereof.

Alexander Boiswaill, portioner of the Falkirk, for Patrik Maxwell of Newark, William Porterfeild of that Ilk, and Johnne Lindsay of Blaikisholme, to pay such sums of money as the Lords of Secret Council shall find that they ought to pay to Umphra Cunynghame, vicar of Kilmacolme, for their parts of his relief of (1) taxation of £100,000 granted for the King's marriage, (2) taxation of £100,000 granted for the Prince's baptism, and (3) late taxation of 100,000 merks,—conform to the declarator of the said Lords to be given thereupon. Edinburgh, 1st Dec. Patrick Maxwell and others.

Williame Sydserf of Ruchlaw for Mr. George Lawder of Bas, 5000 merks, not to harm David Dundas of Preistisinche, conform to the charge given to him dated 24th November last. Mr. George Lauder.

Fol. 222, a. David Herreis, merchant, burgess of Drumfreis, for James Currour in Holme, £500, and for Robert Currour, his son there, 500 merks, not to harm Johnne Currour in Oven Terrauchtie, William Currour in Dalquhirne, David Mureheid in Bischopforrest, Johnne Scot in Wodheid, Johnne and Robert Mureheidis, sons of the said David Mureheid, or Robert Wychtman, servitor to the said William Currour.—Mr. Alexander Cuming advocate, registers the band, written by Johnne Makghe, notary, and subscribed at Drumfreis, 30th November, before William Hunter in Lynclouden, Archibald Croket in Holme, said writer hereof, and William Dalzell, his servant. Edinburgh, 2nd Dec. James and Robert Curror.

Mr. Waltir Kynnynmonth of Callenche and William Bruce, brother of Robert Bruce of Pitlethie, for Jonet Dundas, relict of Robert Bruce of Fol. 222, b. Pitlathie, 300 merks, to deliver the place of Pitlathie to the executioner of the letters of treason to be directed for that effect, in obedience to the letters executed against her, which are suspended to 15th January next. Sir George Home of Grenlaw, and Johnne Wat, citizen of Sanctandrois, are ordained to be summoned to 5th January. Edinburgh, 5th Dec. Janet Dundas.

Sir Thomas Stewart of Garnetullie for George Stewart of Arnetully, and Johne Stewart, fiar of Arnetullie, his son, 2000 merks each, and the said Johnne for Thomas Young in Buttirstoun, Donnald Scot there, Patrik Scot there, Andro Husband there, James Williamsoun in Over Cairny, William M^c^Condochy there, Patrik Scot there, Johne Glunto, miller in Lower Cairny, Robert Moir in Cragilcoch, Johne M^c^Charchar there, Thomas Youngsoun there, Thomas Sturtoun there, Donnald M^c^Allane in Newtoun of Rolmell, Patrik Cuik there, Androw Hay of Gourdie, Robert, Lawrence, Patrik, and Alexander Hayis, his brothers, Johne Stewart, brother-in-law to the said fiar of Arnetully, Laurence Banerman in Cairny, George Banerman, his son, Androw Banerman in Dunkeld, Banerman, his son, William Banerman, Robert Lamb in Arnetullie, Alexander Archer there, James Archer there, James Broun there, Johne Findlay there, Hew Kinneir there, Johne Stewart there, William Eleis there, William Young there, Alexander Eleis there, William Young there, Johne Sturtane there, William Myller there, Johne Burne there, Johne Layng George Stewart and others.

there, Stevin Gelletlie there, James there, Thomas Mersour there, William Petirkyne there, Johne Schiphird there, Robert Young there, Robert Watsoun there, Patrik Schiphird there, Walter Broun there, Thomas Cullie there, Androw Cullie there, Johne Peter there, George Cayndo there, Henry Cok there, Johne Mitchell there, James Eleis there, James Grassik there, and Patrik Archer there, 500 merks each, not to harm Sir Johne Crychtoun of Innernytie, or Johne Crychtoun, his son and apparent heir,—conform to the charge given to them by Johne Young, messenger.—Mr. Richard Spens, advocate, registers the band, written by William Mersour, notary in Perth, and subscribed there, 3rd December, before Duncane and Thomas Stewartis, sons of the said George, Androw Low, servitor to the said Sir Thomas, Patrik Hay, and writer hereof. Acta Caut. 1601-1605. Fol. 223, a.

Stirling, 8th Dec. Andrew and Robert Buchanan.

Alexander Colquhoun of Lus for Androw Buchannan in Caschlie and Robert Buchannan in Balclyvie, to warrant and relieve Johne Buchannan of that Ilk and his cautioners, found by him conform to the general band, of his liabilities of caution for all things done or to be done by the said principals.

Graham of Thornick.

Thomas Cragingelt, fiar of that Ilk, for Robert Grhame of Thornik, £100, to buy from Sir Mitchell Balfour of Burley such arms as he ought to buy.

Edinburgh, 15th Dec. John Bryce.

Johnne Maxwell, skinner, burgess of Drumfreis, for Johnne Bryce, younger, 200 merks, to answer before the Secret Council upon 5th January next for his alleged hearing of mass; also, to pay to the treasurer £10 for his escheat within 40 days hereof. Fol. 223, b.

Edinburgh, 19th Dec. Hew Kennedy.

David Foullartoun in Kilmarnok for Hew Kennedy of Bennan, 3000 merks, to answer before the Council upon 5th January next to a complaint by the Treasurer and Advocate for the burning of the place of Auchinsoull, the taking and detaining as prisoners of the Master of Cassillis and Lady Cassillis and certain of their servants; also, not to reset or intercommune with Thomas Kennedy of Drummurchie, William Irving, Thomas M^{c}Alexander, or the other slayers of the Tutor of Cassillis, under the pains in the letters of horning directed against him; also, to pay to the Treasurer 100 merks for his escheat within 40 days hereof.

Edinburgh, 28th Dec. Joseph Marjoribanks and Adam Gibson.

Robert Levingstoun, baxter, burgess of Edinburgh, for Joseph Merjoribankis and Adame Gibsoun, merchants, burgesses there, and the other owners of the wines that arrived in Alexander Philp's ship upon 31st October last, to pay to James Neisbit, Isak Morisoun, and the other tacksmen of the customs, or to Johne Logane, their collector, the sum of £21 for every tun of the wines following brought home in the said ship: viz. 35½ tuns belonging to the said Josephe and 6 tuns belonging to the skipper of the said ship, for which Merjoribankis became surety; and 42 tuns belonging to Gibsoun and 7 tuns belonging to the company of the ship, for which the said Adame became surety. Fol. 224, a.

Lord Roxburgh and John Ker.

Androw Ker of Fentoun for Robert, Lord Roxburgh, and Johne Ker, his chamberlain of the abbacy of Kelso, to pay to David Cowpar, factor of the priory of Chairterhuos, the following sums for the said Lord's part of the taxations underwritten for his lands of Sprustoun, alleged holden of the

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said priory of Charterhous: viz. (1) £24, 6s. 8d. for the taxation of £100,000 granted for the King's marriage, (2) £24, 6s. 8d. for the taxation of £100,000 granted for the Prince's baptisim, and (3) £20, 2s. 6d., for the taxation of 200,000 merks,—all in case it shall be found that they ought to pay these sums.

John Muir.

Sir Neill Montgomerie of Langschaw for Johne Mure of Auchindrane, £1000, to answer upon 2nd February next before the Secret Council to a complaint against him touching his reset of Thomas Kennedy of Drummurchy, Walter Mure of Cloncaird, Thomas Wallace, Thomas M^cAlexander, William Irwing, and Gilbert Ramsay, outlaws for the slaughter of Sir Thomas Kennedy of Culzeane.

Fol. 224, b.

Edinburgh, 5th Jan. 1604. John Heron and Elizabeth Dundas.

David Hering, fiar of Glasclune, for Johnne Hering in Gilmertoun, and the said Johnne for Elisabeth Dundas, relict of Johnne Wauchop, bailie of Nudrie, to pay to Johnne Fairlie of Comestoun, and Thomas Fairlie, fiar of Comestoun, his son, so many bolls of victual, or the prices thereof, as shall be decerned against them for the spuilyie by them of the teinds of the parish of Nudrie from the said Johnne and Thomas Fairleis furth of the barnyard of Nudrie in December last.

Edinburgh, 7th Jan. Andrew Buchanan.

Alexander Colquhoun of Lus for Andro Buchannane, son of Waltir Buchannane in Glenny, to keep Johnne Buchannane of that Ilk and his cautioners, found by him conform to the general band, skaithless of the said caution for all things done or to be done by the said Andro whereupon the said Laird of Buchannane might be called.

Edinburgh, 12th Jan. Alexander MacMath.

James Neisbit, merchant, burgess of Edinburgh, for Alexander M^cMath, merchant, burgess there, 1000 merks, not to harm Adame Coupair, one of the ordinary clerks of Council and Session.

Fol. 225, a.

Master of Gray.

Robert Gray for his brother Patrik, Master of Gray, 4000 merks, not to harm Mr. Johne Dempster.

George Mackinnay.

Alexander Gordoun of Barskeoch for George M^cKynnay, son of Johne M^cKynnay in Aikeris, not to harm Andro Reid in Strouphastane, Johnne, James, and David Reidis, his sons, or Alexander Sinclar, son-in-law of the said Andro, under the pains contained in the King's letters.—Mr. Joseph Myllar, advocate, registers the band, subscribed at Darley, 9th January, before James Chalmeris of Gaitgirth, Robert Wallace, younger of Barneweill, Alexander Wauch, and Robert M^cCome,—the body of the obligation being written by the surety.

Fol. 225, b.

Edinburgh, 14th Jan. John Blair.

Johne Blair of that Ilk, as principal, and Johne Boill of Kelburne, as surety, to buy from Sir Mitchell Balfour of Burley such stands of arms as he ought to buy, under the pain of £100 for each stand of the said arms.

James Irving.

Patrik Porteous of Halkschaw for James Irwing, son of Eduard Irwing of Boneschaw, 500 merks, to answer before the Secret Council upon 16th February next to a complaint made against him by Williame Grhame of Blaikwode, touching his alleged down-cutting and destroying of certain corns, belonging to the said Williame, which grew upon the said Williame's lands of Dronok.—Deleted, in respect of the new caution found to this same effect: J. Prymrois.

Fol. 226, a.

Edinburgh, 20th Jan. John Lindsay.

Johnne Robertsoun, merchant, burgess of Perth, for Johnne Lindsay of Evelik, to buy from Johnne Jamesoun, factor for the Laird of Burley, such quantity of arms as he is legally bound to buy, under the pain of 100 merks for every stand of the said armour. Acta Caut. 1601–1605.

James Irving.

James Johnnstoun, merchant, burgess of Edinburgh, for James Irwing, son of Edward Irwing of Boneschaw, to answer upon 23rd February next, under the pain of 500 merks, for his alleged cutting down with swords and scythes the whole corns which grew upon the lands of Dronok and belonged to Williame Grahame of Blaiketwode.

Edinburgh, 31st Jan. John Murray.

Mr. Walter Bannatyne, brother of Sir Lues Bannatyne, for Johne Murray of Touchadame, to pay to Adame, Commendator of Cambuskynneth, the sum of £60 for his relief of his part of the taxation of £100,000 granted for the King's marriage, and of £60 for his part of the taxation of £100,000 granted for the Prince's baptism,—and that for the teinds of his lands of Touchadame,—conform to the letters of horning raised against him at the Commendator's instance. Fol. 226, b.

Edinburgh, 1st Feb. James Affleck.

James Affleck (Auchinlek), elder of Tuedysyde, as principal, and Johne Hamiltoun of Netherfeild, as surety, £1000, not to harm William Linlythgow, son of James Linlithgow, merchant, burgess of Lanerk.

Sir William Grierson of Lag.

Sir William Greirsoun of Lag, as principal, and Johne Greirsoun of Bargaltoun, as surety, £1000, to answer upon 12th April next to a complaint against him by Lord Elphingstoun, treasurer for the time, touching the invasion of Thomas Kirkpatrik of Closburne with hagbuts and pistolets; also, not to harm Donnald M^cMillane of Knokingilroch, under pains in King's letters. Fol. 227, a.

Robert Douglas.

Robert Douglas of Todhollis, as principal, and Androw Richartsoun, merchant, burgess of Edinburgh, as surety, £100, to buy from Sir Michaell Balfour of Burley such sort of armour as he ought to buy, conform to the letters of horning executed against him.

Edinburgh, 2nd Feb. Alexander Paterson.

Alexander Home of St. Leonardis for Alexander Patersoun, servitor to the Goodman of Quhytkirk, 300 merks, to answer upon 23rd instant to a complaint against him by the late George Carkettle, touching the ravishing of the said George's daughter. Fol. 227, b.

James Johnstone.

Sir William Greir of Lag for James Johnestoun of Lochehous, 5000 merks, not to harm James, Lord Hay of Yester, or Johne Cunghame of Birkshaw.

Edinburgh, 3rd Feb. James Tweedy.

James Twedy of Drummelyear, as principal, and Patrik Porteous of Halkschaw, as surety, 3000 merks, not to harm William Hay of Lumplum.

Edinburgh, 4th Feb. James Hamilton.

James Hammiltoun of Stanehous, as principal, and William Hammiltoun of Dalserf, as surety, £1000, not to harm William Linlythgow, son of James Linlythgow, merchant, burgess of Lanerk. Fol. 228, a.

Mr. John Tweedy.

Mr. Johne Twedy, son of the Goodman of Dreva, as principal, and James Twedy, younger of Dreva, his brother, as surety, 1000 merks, to the effect just foresaid.

Edinburgh, 7th Feb.

Johne Dobie, elder, flesher, burgess of Edinburgh, for Alexander

Acta Cant. 1601-1605.

Colquhoun of Lus, to buy from Sir Mitchell Balfour of Burley so many stands of armour as he ought to buy, under the pain of £100 for each stand. Alexander Colquhoun.

Fol. 228, b.

George Murray of Brochtoun for Alexander Stewart of Garleis, 4000 merks, not to harm James Kennedy of Crugiltoun, Adame Hathorne, Robert Reid, Richard Kennedy, Martene Kennedy, or Allane M^c^clellane. Edinburgh, 9th Feb. Alexander Stewart.

Robert Fairlie of that Ilk, as principal, and Mr Mathow Ros of Hanyng, as surety, to buy from Sir Mitchell Balfour of Burley so many stands of armour as he ought to buy, under the pain of £100 for each stand. Robert Fairlie.

Robert Weir of Halcraig for Sir James Maxwell of Calderwode, not to harm James Linlythgow, burgess in Lanerk, or William Linlythgow, his son, under the pains in the King's letters. Edinburgh, 11th Feb. Sir James Maxwell.

Fol. 229, a.

William Leirmonth, citizen of Sanctandrois, for James Leirmonth, cooper in Leith, 200 merks, to answer upon 23rd instant to a complaint made against him by Johne Robertsoun, cooper in Leyth, touching his hurting and wounding of the said Johne. Edinburgh, 16th Feb. James Learmonth.

George, Earl Maischaell, for Mawnis Mowatt, fiar of Boquhollie, 5000 merks, not to harm William Gordoun of Geycht.—Mr. Johne Nicolsoun, advocate, registers the band, written by James Mowatt, writer in Aberdene, and subscribed at Edinburgh, 16th February, before Alexander Keith of Balie, Mr William Ord and Mr George Fraser, "our servandis," and James Mowatt. Magnus Mowat.

Fol. 229, b.

William Cranstoun, saddler, burgess of Edinburgh, for Johne Kirkpatrik of Eysland, to make payment to William, Earl of Angus, of the sum of £27 for the tax of the vicarage of Dunscore, in case it be found that he ought to do the same. John Kirkpatrick.

Harbert Maxwell, son of Eduard Maxwell of Tynwall, as principal, and Richard Grhame of Reidkirk, as surety, 500 merks, to appear and answer upon 15th March next to a complaint against him by Robert Maxwell of Nether Redik. Herbert Maxwell.

Fol. 230, a.

James Cunynghame of Glengarnok, as principal, and Robert Cunynghame of Querreltoun, as surety, to buy from Sir Micchell Balfour of Burley such armour as he ought to buy, under the pain of £100 for each stand. Edinburgh, 18th Feb. James Cunningham.

Johnne Johnnstoun, bailie of the Water of Leyth, as principal, and Johnne Johnnstoun, baxter, burgess of Edinburgh, as surety, 500 merks, not to harm David Hodge, maltman, burgess of Edinburgh. Edinburgh, 20th Feb. John Johnstone.

Fol. 230, b.

Sir Creichtoun of Innernytie for Sir Robert Creichtoun of Cluny, 500 merks, to answer upon 23rd instant touching his alleged "practizeing aganis his Heynes and his estate." Sir Robert Crichton.

Johne Quhytfurde, younger of Mylnetoune, for James Sommervell of Cambusnethane, to buy from Sir Mitchell Balfour of Burley such quantity of armour as he ought to buy, under the pain of £100 for each stand. James Somerville.

James Spreull, fiar of Coldoun, for James, Earl of Glencairne, to buy from Sir Michaell Balfour, or James Lowrie, his factor, 20 stands of horsemen's armour, in case he ought to do the same, under the pain of £100 for each stand. Earl of Glencairn.

Sir Robert Crichton.

Mr. Lawrence M^cGill, as procurator for Sir Robert Crychtoun of Cluny, appears and consigns in the hands of James Prymrois, Clerk of Secret Council, the following sums,—viz., £20 for Sir Robert's part of the tax of 100,000 merks for relief of Peter, Bishop of Dunkeld, in the tax of his barony of Cluny, and £12 for his part of the same tax for the teinds of the parish of Cluny,—wherewith he had been charged at the instance of Ludovick, Duke of Lennox, and Johne, Earl of Mar, collectors of the said taxation. Acta Caut. 1601–1605. Fol. 231, a.

John Stewart.

Adame Stewart, merchant, burgess of Air, for Johne Stewart, also merchant, burgess there, 500 merks, not to harm William Gleddy (Getty), merchant, burgess there.—Mr. Umphra Blensele, advocate, registers the band, written by Johne Masoun, clerk of Air, and subscribed there, 17th February, before David Fergushill, provost of Air, Alexander Lokhart of Boghall, William Rysyd, burgess there, and said Johne Masoun,—the last subscribing for Johne Stewart. Fol. 231, b.

William Ryside.

David Fergushill, provost of Air, for William Rysyd, burgess there, 500 merks, to the effect foresaid.—The band, registered, written and dated as above, is witnessed by Adame Stewart, Alexander Lokhart of Boghall, Johne Stewart, merchant, burgess of Air; and Johne Masoun,—the last subscribing for the principal.

Edinburgh, 21st Feb. Peter MacDougall.

Alexander Fergusoun of the Ile for Petir M^cDowgall of Machrimore, 1000 merks, not to harm Johnne Murdoch in Holm, or Robert Murdoche, his son, there. Fol. 232, a.

David Hodge.

David Hodge, maltman, burgess of Edinburgh, as principal, and Johne Mure, maltman, burgess there, as surety, 300 merks, not to harm Johne Johnestoun, bailie of the Water of Leith.

Archibald Walker.

Adame Walker, minister at Fordoun, for Archibald Walker in Candie, 500 merks, not to harm Thomas Walker in Drumlethie.—Mr. Robert Mar, advocate, registers the band, written and subscribed by the said minister at Fordoun, 16th February, before Alexander Strauchane, notary public, Patrik Boncle, minister at Fordoun, Robert Strathauchin in Manbaddo, James Tullow in Abbattoun. Fol. 232, b.

Alexander Stewart.

William Stewart of Barclay for Alexander Stewart of Gairleis, to buy from Sir Mitchell Balfour of Burley, or from James Lowry, his factor, such quantity of armour as he ought to buy, under pain of £100 for each stand. Fol. 233, a

Edinburgh, 23rd Feb. Patrick Maxwell.

Johne Lindsay of Blaksome for Patrik Maxwell of Newwark, to the same effect.

Edinburgh, 25th Feb. Alexander Lauder.

Alexander Lauder of Haltoun for Alexander Lauder, brother of the Goodman of Quhitsled, £100, to answer upon 15th March next for his alleged invasion of James Tram in the Cannogait "under silence of nycht."

William Baillie.

Williame Baillie, fiar of Lamingtoun, for Williame Bailyie of Lamingtoun, his father, to buy from Sir Michaell Balfour, or James Lowrie, his factor, such quantity of armour as he ought to buy, under pain of £100 for each stand. Fol. 233, b.

Sir Matthew Stewart and others.

Williame Wallace of Johnestoun for Sir Mathew Stewart of Mynto,

Acta Caut. 1601-1605.

Archibald Stewart of Castelmylk, and James Crawfurd of Ferme, to the same effect.

James Menteith of Saltcoittis for William Menteith of Randiefurd, 1000 merks, not to harm Cristeane Reid, Lady Randiefurd, or Captain Patrik Herring, her spouse. Edinburgh, 27th Feb. William Menteith.

Fol. 234, a.

James Twedy of Drummelyear and David Foullartoun for Hew Kennedy of Bennan, £1000, that, on being freed out of the tolbooth of Edinburgh, he will keep ward in the burgh thereof till relieved by the Lords of Secret Council.—Deleted by a warrant dated at Edinburgh 1st March 1604, and subscribed by the Chancellor, Earls of Cassillis and Marche, Master of Paislay, Lord of Neubottle, Abbot of Halyrudhous, and the Collector: J. Prymrois. Hew Kennedy.

Adame Quhytfurde of Mylnetoun, as principal, and Hew Ralstoun of that Ilk, as surety, to buy from Sir Micchell Balfour, or James Lowry, his depute, such quantity of armour as he ought to buy, under the pain of £100 for each stand. Edinburgh, 28th Feb. Adam Whiteford.

Fol. 234, b.

George Hammiltoun in Prestoun for Johnne Hammiltoun, fiar of Prestoun, to the same effect. John Hamilton.

James Kennedy of Crugiltoun for Johne Dalrumple in Kirkala, 100 merks, to answer upon 24th May next to a complaint against him by Johne Dalrumple of Stair for his alleged breaking up of his stable door and taking away a horse; also, to pay to the Treasurer within 40 days hereof £10 for his escheat goods, or else to report nullity of the horning obtained against him. Edinburgh, 29th February. John Dalrymple.

Johne, Earl of Cassillis, as principal, and Johne Kennedy of Baltersane, as surety, 4000 merks, not to harm William Mure of Wester Dungrane, Johne Dik in Barneill, Johne Logan in Drumfad, or Androw M'George there. Edinburgh, 1st March. The Earl of Cassillis.

Fol. 235, a.

James Huntar of Halkburne, as principal, and George Ker of Blaihopehall, as surety, 500 merks, to answer upon 15th March instant to a complaint against him by George Hoppringle of Torwodlie, Robert Hereot, younger of Trabroun, and the father, with the other kin and friends, of the late David Tailyeour, touching the slaughter of the said David committed by him. Edinburgh, 2nd March. James Hunter.

James Twedy of Drummelyear, as principal, and Syme Scott of Bonnyngtoun, as surety, £1000, not to harm dame Jeane Herreis, Lady Skirling, relict of Sir James Cokburne of Skirling,—conform to the charge given to him dated 25th January 1603. Edinburgh, 3rd March. James Tweedy.

James Kennedy of Crugiltoun for Gilbert M'Fadrice, servitor to Hew Kennedy of Girvonmains, and Richard Kennedy, brother of Archibald Kennedy in Barnekirk, to answer upon 24th May next to a complaint against them by Johne Dalrumple of Stair for their alleged breaking up of his stable door and taking away a horse, under the pain of 100 merks each; also, within 40 days hereof each of them to pay to the Treasurer £10 for his escheat, or else obtain nullity of the horning used against him. Edinburgh, 5th March. Gilbert MacFadrice and Richard Kennedy.

Fol. 235, b.

Johne, Lord Flemyng, for Patrik Flemyng, at the House of the Mure, 5000 merks, to enter in ward in the tolbooth of Edinburgh by 22nd instant. Edinburgh, 6th March. Patrick Fleming.

Edinburgh, 8th March. Inhabitants of Peebles.

Alexander Horsburgh of that Ilk for the provost, bailies, council and community of the burgh of Peblis, £1000, not to harm Alexander Lawder of Haltoun,—William Dikiesoun and Niniane Lowrie, two of the bailies, Gawin Thomesoun, treasurer, and Johne Dikiesoun one of the council, of the said burgh, becoming sureties in relief. Acta Cant. 1601–1605.

Edinburgh, 9th March. Peter Cunningham and William Brown.

Johne Lokhart, fiar of Boighall, for Peter Cunyghame and William Broun, burgesses of Air, to pay the custom of ten tuns of wine, brought in by them to the Isle of Quhithorne, to Alexander Stewart of Gairleis, or to the Comptroller, or to the tacksmen of the customs of same, in case it be found that they ought to do so. Fol. 236, a.

Christopher Cockburn and others.

Robert Flemyng in Clydisyd for Mr Christopher Cokburne, Adame Burnefeild, Johne Flemyng, George M^cCall, James Gowdie, Thomas Davidsoun, Thomas Robertsoun, Johne Cokburn of Clerkintoun, Johne Hay and Thomas Bell, his servitors, Mr. Peter Arbuthnot, pedagogue to Johne, Lord Thirlestane, Adame Dobie, Johne Wilkie, messenger, Patrik Bertraim in Westhoppis, Robert Diksoun in Easthoppis, William Home in Newlandis, William Loutheane in Little Newtoun, James Nisbit there, George Diksoun in Carphray, Patrik Gray there, William Bertraim there, Robert and James Diksonis in Snawdoun, and Johne Watt there, to answer upon 15th instant to a complaint made aganist them by Issobell Trotter in Abbaymaynis of Haddingtoun, Jonnet Idingtoun there, George Johnestoun there, Florence Smaill there, Johne Diksoun there, Robert Patersoun there, George Idingtoun there, James Liddell there, Robert Johnestoun there, William Craufurd there, and James Maitland, touching certain points of oppression committed upon them,—under the following pains: viz. the said Laird of Clerkingtoun in _____, and each of the other persons abovewritten in £100.—"Thir xiiii names deleit in respect thay wer not summond nor contenit in the executioun of the principal letters: J. Prymrois."

George Maxwell and his sons.

Robert Maxwell of Dynwiddie for George Maxwell of Drumcolterane, 1000 merks, and for Edward and Johnne Maxwellis, his sons, 500 merks each, not to harm Johne Redik of Dalbatie.—Cornelius Tennent, advocate, registers the band, written by Johnne M^cGhe, notary, and subscribed at Drumfreis, 6th March, before Johne Maxwell, tutor of Aikinheid, and Cuthbert Smyth and Willam Edzell, "my servitouris," Johnne Young and William Dalzell, writers, Johnne M^cGhe, notary, and Harbert Cunynghame, notary. Fol. 236, b.

Edinburgh, 12th March. Thomas Kirkpatrick.

William Kirkpatrik, younger of Kirkmichell, for Thomas Kirkpatrik, apparent of Closburne, £1000, not to harm Thomas Greirsoun of Barjarg.—Johne Haliday, advocate, registers the band, written by Cuthbert Cunynghame, notary, burgess of Drumfreis, and subscribed there, 8th March, before Alexander Kirkpatrik, brother of the Laird of Closburne, Michaell Kirkpatrik, brother of the Laird of Kirkmichaell, Robert Bailyie, servitor to Freircars, Johne Maxwell, messenger, and the said writer hereof. Fol. 237, a.

Edinburgh, 13th March.

Alexander Lawder of Haltoun for Johnne Cunynghame of Cunynghame-

Acta Cant. 1601-1605.

heid, to warrant and relieve James, Earl of Glencairne, if so bound, of all pain that the Earl may incur through any deed to be done by the said Johnne which may infer the break of the assurance by the said Earl to Hew, Earl of Eglintoun, and Robert, Lord Semple. John Cunningham.

Johne Grahame of Knokdoleane for Alexander Cunynghame of Craiganis, to the same effect. Alexander Cunningham.

Fol. 237, b.

George, Marquis of Huntley, Earl of the Enghie, Lord Gordoun and Badyenoch, for William Gordoun of Geicht and his servant, 5000 merks, not to harm Magnus Mowat, fiar of Boquholly.—Mr. Alexander Cumyng, advocate, registers and writes the band, which is subscribed at Leith, 23rd February, before these witnesses: Alexander, Lord of Spynie, Johne Gordoun of Carneburrow, Johne Gordoun, his son, Johne Gordoun of Petlurg. Edinburgh, 14th March. William Gordon and his servant.

Fol. 238, a.

James Gordoun, apparent of Lesmoir, for Alexander Keith, son of William Keith of Ludquharne, £1000, not to harm George Seytoun of Parbroith. Edinburgh, 16th March. Alexander Keith.

Robert Gillespie, merchant, burgess of Edinburgh, for Johne Gillespie, son of the late Michaell Gillespie, stabler, 300 merks, not to harm Alexander Lowry, stabler, burgess of Edinburgh. John Gillespie.

Fol. 338, b.

Sir Robert Halket of Pitfirren for George Seytoun of Parbroith, £2000, not to harm Alexander Keith, son of William Keyth of Ludquharne. Edinburgh, 17th March. George Seton.

Symone, Lord Fraser of Lovat, and Sir Thomas Gordoun of Cluny, for James Cuming, fiar of Altir, £1000, not to harm Thomas Hay, town clerk and burgess of Elgin,—conform to the King's letters dated at Edinburgh 22nd December last.—Mr Alexander Cuming, advocate, registers the band, written by George Cuming, notary public, burgess of Elgin, and subscribed at Elgin, 6th March, before Johnne Cuming of Ernissyd, Johnne Gordoun, apparent of Avachie, Johnne Reid, burgess of Edinburgh, James Law, burgess of Elgin, notary public. Edinburgh, 21st March. James Cumming.

Fol. 239, a.

The Lords of Secret Council, with consent of Johne, Lord Flemyng, prorogate and continue the entry of Patrik Flemyng at the House of the Mure into ward in the tolbooth of Edinburgh till 10th April next. Also, the said Lord becomes surety for the entry of the said Patrik on the said day, under the pain of 5000 merks contained in the first act (*ante*, p. 817). Edinburgh, 22nd March. Patrick Fleming.

Uthred M°Dowell of Mundork for Johnne, Earl of Cassillis, £5000, not to harm Andro, Lord Stewart of Uchiltrie, William Crawfurd of Lefnoreis, George Crawfurd, his son and apparent heir, Josias Stewart, brother of the said Lord Uchiltrie, or Johne Kennedy of Blairquhan. Edinburgh, 23rd March. The Earl of Cassillis.

Fol. 239, b.

Hary, Commendator of Sanctcolme, for James Keith, brother natural of Keith of Craig, Mr. Samuell Falcouner of Ar, Archibald Falcouner of Fernichtie, William Dowglas of Erlismylne, each of them in £1000, and for William Falcouner in Lethinbar, Hew Falcouner there, William Tulloch there, Alexander Falcouner in Newtoun of Tarneway, Adame Stewart there, James Kintie (Stewart) there, James Barclay, messenger in Forres, William Lie in Erlismylne, George Ros there, Johne Tailyeour in Freircroft, Androw Sinclar in Connycavell, Johne Sinclar there, Peter Hardie Edinburgh, 29th March. James Keith and others.

there, and Henry Smyth there, £500 each, not to harm dame Mary, Countess of Athoill "Dowatrice," as having right to the ward of the earldom of Murray; also, to answer before the Lords of Secret Council upon 17th May next to a complaint made against them by the said lady touching their coming to the castle of Tarneway with forbidden arms, besieging the same the space of a day, and taking it by force, and touching their taking as prisoner James Stewart, her servant, whom she had appointed keeper thereof, and for certain other points of oppression, each under the pain of £100. Acta Cant. 1601–1605.

ORDINANCES AND ACTS RELATING TO THE BORDERS AND THE NORTH.

A.D. 1599—1604.

THE BORDERS AND THE NORTH.

Acta penes Marchiarum etc. ordinem.

The following landlords are required to find caution that they and those they are obliged to answer for shall observe the King's peace and redress parties skaithed under the pains after specified, viz.:—Sir Johnne Campbell of Lawers and Sir Archibald Naper of Edinbillie, in £5000 each, and Robertsoun of Strowan, Schaw of Knokhill, Alexander Schaw of Cambusmore, Halden of Glennegies, Andro Halden, tutor of Glennegies, in 2000 merks each,—the said persons being designated "landit men in the Hyelandis"; William Sinclar of Rosling, for himself and for Adame Scott, brother of Philp Scott of Dryhoip, his man, and others for whom he is obliged, in 10,000 merks; James Gledstanis of Coklaw, for himself, and for Sym Scott, brother of the said Philp, his man, in 2000 merks; Tuedy of Furd, for himself, and for Symon Scott in Furd, his tenant, in said sum; Lord Saltoun, for himself, and for Johnne Scott, brother of Symon Scott of Bonytoun, his tenant, in £10,000; Scott of Howpaislott, for himself, and for Walter Scott of Landhoip, and Johnne Scott, his son, his tenants, in 2000 merks; Watt Scott of Tuschelaw, for himself, and for Robert, James and Johnne Scottis, his sons, in said sum; Archibald Scott of Dryhoip, James Scott of Gemmylliscleuch, Robert Scott of Hanyng, Scott of Goldelandis, Watt Scott of Harden, Scott of Syntoun, Watt Scott of Eidshaw, Ellot of Reidheuch, William Ellot of Fallinesche, Ellot of Copschaw, Robert Scott of Allanehauch, Scott of Hassinden, Robert Scott of Burnefute, Robert Scott, tutor of Burnefute, Watt Scott of Stirkschawis, James Scott of Robertoun, Will Scott of Hartwodmyris, Will Scott of Huntlie, Chesholme of that Ilk, Langlandis of that Ilk.

Edinburgh, 19th July 1599. Charge to certain landlords in the Highlands.

Fol. 31, b.

Fol. 32, a.

Charge to certain landlords in Teviotdale.

Donald Ferquharsoun in the Bra of Mar, chief of that clan, to be charged to find caution as above, in 5000 merks.

Edinburgh, 26th July 1599.

In presence of the King and Council appears Sir Walter Scott of Branxholme and declares that the persons underwritten are his men and therefore that he is astricted to make them answerable to justice,—conform to the general band,—and to the caution found by him already thereanent: viz. William Scott of Momberneger, Robert Scott, called Hobbie of Candie, Thomas Scott, brother of William Scott in Glak, Walter Scott in Catslak, Adame Scott, his brother, Robert Scott of Thirlstane, Walter Scott, his brother, Walter Scott of Bonhill, William Scott, his brother, and Walter Scott of Dryhoip.

Edinburgh, 19th July 1599. Scott of Branxholm responsible for certain men.

Fol. 85, a.

Caution for Scott of Bonyton.

Caution in £1000 by Sym Scott of Bonytoun, as principal, and Robert Scott of Thirlstane, as surety for him, that he and such as he is obliged to answer for shall keep good rule and redress parties skaithed. In respect of this caution, the said Sym is discharged of all other caution found by him to the said effect. Acta penes Marchiarum etc. ordinem.

Act in favour of Scott of Thirlstane.

Sir Walter Scott of Branxholme having declared that Robert Scott of Thirlstane holds his land of him, and therefore acknowledged obligation to answer for him, the Lords discharge the said Robert of all other caution found by him for his behaviour either to his Majesty or to his Lieutenant. Fol. 85, b.

Edinburgh, 18th Feb. 1600. Caution for MacKay of Far and others.

Caution in 10,000 merks by Hutcheoun Mackye of Far, as principal, and Johnne, Earl of Sutherland, and Arthure, Master of Forbes, fiar thereof, as sureties for the said principal, that he and his men shall keep the King's peace and redress parties skaithed, conform to the laws. Fol. 113, a.

Holyrood-house, 3rd May 1600.

Cautions in £10,000 to the same effect by Sir Robert Gordoun of Lochinvar, younger, as principal, and William Makculloch of Mertoun, as surety for him; by Sir Johnne Ker of Hirsell, as principal, and Andro Ker of Mylnerig, as surety for him, 10,000 merks; by William Murray of Pitcairlies and Johnne Sinclar of Toilhoip, indweller of Edinburgh, for George Sinclar of Meye, chancellor of Caithnes, in £5000; by William Ros, baron of Kilraak, as principal, and William Sutherland of Duffus and Alexander Hay of Dalgatye, as sureties for him, 5000 merks; by Mr. James Dumbar of Sanquhar for Alexander Dumbar of Cumnok, sheriff of Murray, in 5000 merks (Mr. Umfra Blindsele, advocate, registering the band, written by George Sutherland, notary public, and subscribed at Elgin, 15th September 1600, before Alexander Dumbar of Meftis, Mark Mawar of Stynie, David Dumbar, servitor to the said Sheriff, and the said writer hereof); by Thomas Maxwell, brother of Alexander Maxwell of Logane, as principal, and the said Alexander as surety for him, in 1000 merks; by Hector Bannatyne of Kemmys, as principal, and Robert Bannatyne of Kellie, as surety for him, in 5000 merks; by William Sutherland of Duffus and Fraser, tutor of Lovet, for William Ros of Kilraak, in 5000 merks; by the said Baron of Kilraak for Thomas Fraser of , tutor of Lovatt, in 3000 merks; by Williame Sutherland of Duffus for Patrik Dumbar of Cunzie and by the said Patrik for Mark Dumbar of Durris, either of them in 5000 merks, to answer when charged to complaints against them (Earl of Montrois, chancellor, Sir George Home, treasurer, John Prestoun, comptroller, and P. Murray, testifying that the said principals and cautioner appeared before them and became bound in manner abovewritten); by Johnne Grant of Freuchye, and Thomas Fraser of , tutor of Lovatt, for Angus Williamsoun of Termet, in 2000 merks, that he and his men shall be answerable to justice, appear before the King and Council when charged, and redress parties skaithed; by Robert Robertsoun of Strowane, as principal, and Alexander Robertsoun of Fastcalyie, Johnne Robertsoun *alias* Reid of Straloch, and Duncan Robertsoun of Duncaven, as sureties for the said principal, to the same effect. Fol. 85, b. Fol. 113, b. Fol. 114, a. Fol. 114, b. Fol. 115, a. Fol. 115, b.

Edinburgh, 28th May 1600.

Edinburgh, 25th July 1600.

Edinburgh, 20th Sept. 1600.

Edinburgh Castle, 28th June, 1601.

Edinburgh, 17th Nov. 1601.

Perth, 29th June 1602.

Acta penes Marchiarum etc. ordinem. Fol. 85, b.

The King and Council having discharged the act whereby William MakCulloch of Mertoun became surety for Sir Robert Gordoun of Glen that he and his men should observe the King's peace and redress parties skaithed (*ante*, p. 822), Andro Edmestoun of that Ilk becomes bound in £10,000 for the said Sir Robert to the effect foresaid, providing always that, when Sir Robert shall find Alexander Gordoun of Barskeoch and William Gordoun of Craichlaw cautioners for him upon the conditions abovewritten, then this act shall be void. Sir Robert also becomes bound in £10,000 that the said Lairds of Barskeoch and Craichlaw shall become sureties for him by 1st August next upon the conditions foresaid.

Edinburgh, 7th June 1602. Caution for Gordon of Lochinvar, younger.

Fol. 34, a.] "We noblemen, baronis, landit gentlemen, and utheris undersubscriving, deiplie considering with oureselffis the wrackfull and intolerable calamities sa lang sustenit be us, oure freindis, oure servandis, and inhabitantis upoun oure proper landis and heritages, at the handis of thevis and murtherars within the Heylandis and Bordours, quhairby oure bludis hes bene cruellie sched, oure guidis be oppin depredationes violentlie reft and spuilyeit, and oure maist plentifull and proffitable rowmes, for feare of thair incursionis and oppressionis, left desolat and desert without tenant or inhabitant, to oure inexcusable reprotche and schamefull wrack gif we sall ony langer neglect to use sic lauchfull and allowable remedis as God, oure honoure, and the memorable exemples of oure worthie predicessouris still extant in the recordis for thair dayes, cravis at oure handis for the repressing of thair insolence: And considering thairwithall the royall and princelie dispositioun of oure maist gratious Soverane Lord, utterit everie way, to the suppressing of this infamous byke of lawles lymmers, and quhat earnist and faithfull dewtye oure rankis and places cravis of us for the furtherance of his Majesties maist honorable resolutioun at this tyme for the full exterminatioun of sic a vermine, quhairof oure owersicht hithertillis hes bene na little hinder to the gude succes of the great cair and panes tane alwayes be his Hienes and his Secrete Counsale to work the said effect: Thairfore, and for remeid of oure bypast slewth and negligence that way, in the feare of God and with his Majesties gratious approbatioun and allowance, we, all and everye ane of us, have solempnitlie avowit, sworne, and protestit, lyke as, be the tennour heirof, we avow sweare, and protestis upoun oure conscience and honoures, that, as we ar in heartis trew and faithfull subjectis to the Kingis Majestie, oure Soverane Lord, and his authoritie, and alwayes answerable to his Hienes lawes, sa in oure heartis we abhor, dampne, and detest all treasoun, murthure, fyre-raising, revising of wemen, thift, resset of thift, fortefeing or assisting with thevis, schhedding of trew menis blude, commoun and manifest oppressioun, resset of personis excommunicat or at the horne for criminall caussis, with the authors and committers thairof quhatsumevir. In further takin quhairof we bind and obleis us, oure aires and successouris of oure landis and heritages, to oure Soverane Lord and his successoures, that, within ten dayes after our subscriptioun to this present, we sall discharge, and, be oppin proclamatioun at the mercat croces of the

[Dumfries, &c.] October 1602. General Band against thieves, murderers, and oppressors, with the subscriptions of the Border landlords appended.

"Upgiving of kyndnes with thevis and clannes unanswerable."

heid burrowis within the schirefdomes quhair the thevis and lymmers duellis, as alsua be particular intimationes to thameselffis, we sall gif up all bandis of freindschip, kyndnes, owersicht, mantinance or assurance, gif ony we have, with commoun thevis and brokin clannes or brensches unanswerable to his Hienes lawes, and sall fra thynefurth afauldlie and trewlie joyne and concur togidder, als weill in actioun as in heart, to the persute with fyre and sword of all and quhatsumevir within this realme, of quhatsumevir clan, qualitie, or surname, quha, being chargit be oppin proclamatioun to compeir to answer to complaintis, and to releve thair maistirs at his Majestie and trew mennis handis, ar or sall for thair dissobedience be denuncit fugitives and outlawes, togidder with quhatsumevir thair partakers, suppliers, and resetters, and all sic utheris as, fra the tyme they be denuncit fugitives, sall furneis to thame, thair wyffis or famelies, meit, drink, harbrie, or uther confort quhatsumevir. As lykewyse we bind and obleis us in maner foirsaid that, gif ony persoun duelling within oure houssis, upoun oure landis, or within oure takis, stedingis, rowmes, possessionis, baillieries or uther office or jurisdictioun quhatsumevir, committis ony of the crymes befoir expremit, or ony uther punisable be lyff or member, we or ony of us under quhom the said persoun duellis, being requirit thairto be his Majesties letters, valentynes, or charges, or be his Hienes Counsale or Justice, sall nather directlie nor indirectlie gif ony warning or advertisment to him quhairbye he may eschew his taking, bot trewlye and afauldlie sall apprehend, bring, and present him to underly his tryall of the cryme quhairof he is dilatit, upoun fyftene dayes warning, without schift or excuse quhatsumevir, as we will answer to his Majestie upoun oure honoures, and under the panes contenit in the Generall Band and Actis of Parliament quhatsumevir, and salbe thairwith comptable to oure Soverane Lord and his Thesaurar for thair escheittis in cais thay be convict. And, in cais the persoun or personis sa dilatit becumis fugitives, quhairby we can not apprehend thame to be presentit, we sall expell, put, and hald thame furth of oure boundis, heritages, takis, stedingis, rowmes, baillieries, and jurisdictioun quhatsumevir, togidder with thair wyffis, barnes and famelies, and sall tak fra thame thair takkis and stedingis and put in uther personis to occupye the same. And, gif it sal happin the saidis malefactoures to resort or cum agane within oure boundes, or beis sufferit to remane thairin with oure witting twelf houres togidder, or to repair with oure knawledge to oppin mercat unapprehendit, in that cais we grant and confes us to be culpable of quhatsumevir crymes or skaithis committit be thame at ony tyme before or thairefter. And, gif it happin at ony tyme heirefter ony tratoures or rebellis to oure Soverane Lordis authoritie for criminall caussis to repair within oure boundes or ony part of the schirefdome quhair we duell, we salbe reddye to ryse and concur with oure freindis and forces to thair persute, till they be ayther apprehendit and presentit to justice, or put out of the schirefdome quhair we duell. Mairower, nane of us sall heirefter tryst or assure with ony declarit thevis or fugitives; bot, quhensoevir ony effray of thevis or

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"To concur to the persute of fugitives and thair ayders."

Fol. 34, b.

"That na warning be gevin to offenders, bot that they be presentit."

"That offendoures eschaping be not resset."

"The resorting of malefactouris, with knawlege of the landislord, within his boundis to be culpable gif they be not apprehendit."

"To be in reddynes to persew tratouris and rebellis."

"That nane tryst or assure thevis, bot sall

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revaris happynnis within oure boundis or jurisdictionis foirsaid, we sall at the effray or forray, be oure selffis, oure servandis, kin, freindis and sa mony partakers as we may gett, ryse, follow, and persew the saidis thevis and revaris at the uttermaist of oure power, as we wald do to the rescue of oure awin proper guidis, in cais they wer in the lyke danger, being alwyse warnit thairto be schout, bailles in the cuntrie, requisitioun of partye, or utherwyse howsoevir. And, gif it be found that we lye still at sic effrayes and suffers the saidis thevis and revers to pas throw oure boundis unshowting and persewing thame and making thame quhat uther thortoure and impediment we may, in that cais we accept on us the giltynes of quhatsumevir thift or uther cryme that they committ, as pertiners with thame thairin and punisable thairfore according to the Actis of Parliament. And, gif it happin ony stowth, reiff or oppressioun to be committit at ony tyme heirefter upoun ony his Hienes subjectis be ony inhabitantis within oure boundis and jurisdictionis foirsaid, the same being notefeit to us be the awners of the guidis or ony uther follower thairof in thair names, and the persoun and place schawin to us be quhom the guidis ar stowin and quhair they ar resset within oure boundis, we sall immediatlie thairefter, be oureselffis or be sum speciall freind or servand, ryde and addres us to the said place, and, finding the guidis thair, sall see thame randerit to the follower without gratitude or guid deid, and thairwith sall apprehend the theif gif he be present on the ground, or can be found within oure boundis than or at ony tyme thairefter, and present him to his Majestie or to his Justice to be puneist according to his merite; or, gif we can not find him, we sall intimat his name to the schireff, stewart, or wardane, to be denuncit fugitive be thame at the mercat croce of the nixt heid burgh, that he, his wyff and familie thairefter may be usit in maner foirsaid. Lykewyse, that nane of us heirefter sal ayther oppinlie or privilie travell or procure for ony theif, hurder, intertenear or ressettar of theif or thifteous guidis, assist nor defend thame directlie nor indirectlie, solist for thair impunitie, or beare grudge, rancoure or querrell aganis ony man for thair dilatioun, apprehensioun, or persute, in ony sort, under the pane of infamye and acceptatioun upoun as of the giltynes of the said cryme in cais they be convict. And, gif it happin us or ony of us at ony tyme heirefter to meit with ony notorious theif or lymmer quhome we may tak, we sall not failyie to apprehend, keip, and detene him in sure captivitie and firmance, unfred or sett to libertie upoun quhatsumevir band, promeis, restitutioun, or assurance he can gif us, bot sall present him to his Majestie, his Counsall or Justice, to be puneist for his offence, under the pane lykewyse to be repute culpable of his thifteous dedis, and punisable accordinglie. And, finalie, that we oureselffis and all sic personis quhatsumevir as duellis upoun oure landis and utheris foirsaidis, sall alwayes be answerable to oure Soverane Lord and his authoritie, and sall compeir befoir his Hienes and his Counsall quhenevir we sall happin to be chargit to that effect, under the panis contenit in the Actis of Cautioun found for observatioun of the generall band. And, gif for

arrise to effrayes."

"Acceptatioun of the cryme of the river in case we ryse not to the effrayes."

Fol. 35, a.

"To ryde to the rescue of guidis and apprehending of the river but gude deid."

"That na theif or resetter be procurit for."

"That thevis tane be not set fre nawyse, bot be presentit."

"That alwyse the landislord and his sall compeir as they sal be requirit."

"To concur aganis quhatsumevir clan that querrellis the executioun of thi band."

executioun of ony of the premissis we or ony of us be querrellit be ony clan, brensche, or surname to quhome the thevis pertenis, we bind and oblissis us and our foirsaidis afauldlie and trewlie to concur and assist with uther aganis the brensche, surname, or clan that querrellis, as gif it wer oure proper cause, and sall esteme the feid, gif ony follow, equall to us all. In witnes quhairof oure Soverane Lord, in takin of his said approbatioun and allowance of the premissis, and everie ane of us for us and oure foirsaidis, have subscrivit this present, to be insert and registrat in the Buikis of Secrete Counssale, and to have the strenth of ane decrete thairof aganis the contraviners: quhairunto oure subscriptiones sall serve for ane sufficient warrand for everie ane of us.—This Band writtin be William Wylie, clerk. Sic subscribitur: JAMES R., Lenox, Huntlye, Montrois, cancellarius, Angus, Caithnes, Hereis, Lochinvar, Lochinvar younger, Johnnstoun, J. Drumlangrig, Closburne, Lag, Cuthbert Greirsoun of Dalskarth, Apilgirth, Kirkmichaell, Amysfeild, Holmendis, Charles Murray of Cokpule, James Murray, younger of Cokpule, Robert Maxwell of Spottis, Waistraw, Johnne Johnnstoun of Graitnay, J. Drumlangrig younger, Johnne Johnnstoun of Newbye, Archibald Maxwell of Cowhill, Edward Maxwell of Hillis, Herbert Maxwell of Cavens, Alexander Maxwell of Logane, James Maxwell of Protrak, Edward Maxwell of Ile, Robert Maxwell of Fouremerkland, Johnne Maxwell of Keltoun, Homer Maxwell of Carneselloch (with my hand at the pen led be William Wylie, clerk), Johnne Maxwell of Kirkconnell, Johnne Maxwell of Conhaith, Tracquair, Blakbarony, Drummelzair, Carmychell, James Twedye of Drevay, Patrik Portuous of Halkschaw, Johnne Vaitche, fear of Dawick (for myself and in name of my father, being present), Johnne Hay of Smythfeild, Johnne Govane of Cardrona, Michaell Hunter of Polmude, Alexander Horsburgh of that Ilk, Cuthbert Elphingstoun of Henderstoun, Johnne Inglis of Manerheid, (with my hand at the pen led be James Prymrois, Clerk of Counsale, at my command, becaus I can not write), William Murray of Romano, William Tuedy of Wra, Thomas Myddilmaist of Greirstoun, James Prymrois at command of George Tait of Pirne, George Haldan of that Ilk, Lawsoun of Carnmure, William Burnet of Bernis, Galaschelis, Alexander Horsburgh of Harcas.—Apud Peoble xxiii Octobris 1602:—Johnne Sandelandis of Bord, James Vaitche of Stewartoun, Johnne Dickesoun of Ormistoun (with oure handes at the pen led be William Wylie, clerk, writer of this band), George Pringill of Torwodlie, James Pryngill of Quhytebank, Andro Ker of Yair, James Cranstoun, portioner of Bold, Thomas Ker of Sonderlandhall, James Pryngill, younger of Quhytebank, Andro Vaitche in Curope, Robert Scott in Stirkfeild (at the pen led be William Wylie, clerk, writer of this band), James Hammyltoun of Cothcott, Robert Murray of Orchart, William Vaitche of Kingisyde, Thomas Portuus of Glenkirk, Thomas Portuus in Frude, Mr. Jedeon Murray of Elebank, David Scott of Stobomylne.—Apud Jedburgh 28 Octobris 1602:—Hector Turnebull of Wauchop, George Rutherfurd of Fairningtoun and Raulphe Ker of Schawis (with oure handes at the pen

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led be James Prymrois, Clerk of Counsale, at our command), George Douglas of Bonejedburgh, I, Thomas Turneble, fear of Mynto, for myself and for my father, Thomas Turneble, apperand of Wauchop, for myself and for my father, Walter Turneble of Bedrowle, William Turneble, fear of Bedrowle.—Apud Jedburgh, 29 Octobris 1602:—Walter Scott of Goldelandis, Walter Scott of Tuschelaw, Robert Scott, his sonne, James Gledstanes of Coklaw, Will Ellot of Fallinesche, Robert Scott of Stitschellis, Watt Scott of Harden, Sym Scott of Bonnytoun, and William Scott in Burnefute, on the Watter of Aill (with oure handes at the pen led be James Prymrois, Clerk of Council, at oure command), Sir Johnne Ker, Sir Andro Ker of Hietoun, J. Cranstoun, Hundelie, Andro Ker of Lyntoun, Andro Riddell of that Ilk, Johnne Mow of that Ilk, Robert Scott of Hanyng, James Douglas of Cavers, M. Cranstoun, Gawen Ellot of Stobbis, Thomas Rutherfurd of Hunthill, Johnne Pringill of Bukholme, William Douglas, fear of Bonejedburgh, George Ker, apperand of Cavers, Robert Frissell of Overtoun, Walter Scott of Stirkschawes, Walter Chesholme of that Ilk, Robert Ellot of Reidheuch, Robert Langlandis of that Ilk, Gilbert Ellot of the Manes, William Scott of Hartwodmyris, Philp Scott of Dryhoip, Robert Scott of Thirlstane, Robert Scott of Aikwod, William Scott of Howpaislott.—Jedburgh 29 Octobris 1602:—Watt Scott of Quhithauch, James Scott of Gilmenscleuch, and Johnne Dalgleische of Deuchar (with oure handes at the pen led be William Wylie, clerk), Robert Ker of Ancrum, and as provest of Jedburgh, Adame Rutherfurd, baillie of Jedburgh, William Broun, baillie of Jedburgh (with my hand at the pen,—J. Prymrois), Mr. Johnne Rutherfurd, baillie of Jedburgh, Johnne Alesoun, baillie of Jedburgh."

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The Borders, 1602-1643. Fol. 1, a.

[imperfect] "nominat the personis following to be his Counsale, viz., William, Lord Herreis, Thomas Kirkpatrik of Cloisburne, Murray, eldare of Cokpuill, or in cais of his absence, his eldest sone, Alexander Jerdane of Apilgirth, William Greir of Lag, Carruthers of Holmendis, and Johnnstoun of Newbie; be quhais advise, or ony foure of thame conjunctlie, the said Wairdane sall direct the haill effairis of his office being of ony wecht or importance, and sall direct thair advise at all tymes to his Majestie and Counsale quhat they think maist expedient for the continewing of quietnes upoun that Bordour."

Assessors to the Warden of the West Border.

Notwithstanding that by the laws of this realm all the lieges dwelling within the bounds of the three Marches are bound to accompany the wardens "at dayis of trew and utheris particulair raidis" as often as the necessity of his Majesty's service requires, yet the inhabitants of the West March are "now becum verie slak and negligent" in accompanying their Warden, not only "at dayis of trew bot to oppin oistis," so that the meetings with the opposite officer,—"as hes bene accustumat,"—and also the "persute of fugitives and outlawis," are very much frustrated; "quhilk

Act requiring the lieges within the West March to keep days of "trew," and to attend at raids when warned by the Warden.

slaknes in the ordinare and accustumat concurrence with the said Wairdane hes proceidit fra the bypast oursicht and impunitie of sic as hes transgressit the saidis lawis." Therefore, it is ordained that persons liable, dwelling within the said March and refusing hereafter to accompany the Warden "to dayis of trew and oppin oistis" shall incur the pains underwritten;—lord or great baron £100, small baron 100 merks, landed gentleman £20, yeoman £10, burgh of Drumfreis £100, burgh of Kirkcudbricht 100 merks, and burgh of Wigtoun £40. "And, gif the necessitie of the service sall require oppin oistingis with careage and palyeonis to ly on the feildis for ony space, the saidis panes to be doublit aganis everie persone of the rank and qualitie abovewritten." The penalties to be assigned to the Warden to defray the expenses of his office. Fol. 1, b.

26th Nov. 1602. Band by Sir James Johnstone, as Warden of the West March, for the entry of pledges and redress of grievances.

Sir James Johnnstoun of Dunskellie, Warden of the West March, appears and becomes bound (1) to enter before the Council on 1st January next Geordie Armestrang, Cristie Airmestrang, his son, and Sandie Armestrang, his brother, or any two of these, as pledges for the gang of Kynmonth, and to enter Fergy Bell, brother of Reidcloik, as pledge for all such as Will Bell Reidcloik pledged for, and to enter Johnne and Adame Carlillis, brothers of Alexander Carlile, or either of them, as pledge for the Carlillis,—or, failing the entry of the said persons on the day foresaid, to present the same day Francie Airmestrang of Kynmonth, Will Bell Reidcloik, and Alexander Carlile, who are presently delivered to him; (2) to be answerable for the entry of the said Francie, Will Bell Reidcloik, and Alexander Carlile so often as required while he holds office, and at the demission of the same to present them for relief of this band, under the pain of £2000 for each of them not entered; (3) to be responsible for all "attemptatis committit be the answerable personis" within the said wardenry during the time of his office; (4) to assure the good rule of the country as long as he continues in that office; (5) to compensate, upon 1st January next, Mr. Gryis, Englishman, for the goods taken from him (wherewith Cristie Airmestrang of Barnegles is burdened), or enter a person "answerable and giltye of that deid," and, failing thereof, to present the said Cristie. Fol. 2, a.

Caution for William Elliot.

Caution in £2000 by Walter Scot of Harden and Gilbert Ellot of Horsliehill for William Ellot of Kynmonth, presently in ward in the tolbooth of Edinburgh, that, on being released, he will remain in the burgh of Edinburgh till the entry of the pledges for the gang of Kynmonth upon 1st January next.

Holyroodhouse, 29th Nov. 1602. Caution for Laird of Johnstone.

Johnne, Earl of Montrois, chancellor, having delivered Johnne Airmestrang of Wodhousleis as pledge to Sir James Johnnstoun of Dunskellie, Warden of the West March, Sir James obliges himself to deliver him again to the chancellor by 1st January next. [Folios 2 b and 3 a are blank.]

. . . . . .

Act anent Lord Maxwell, who has refused to assure the Laird of Johnstone.

Johnne, Lord Maxwell, having refused to subscribe an assurance to Sir James Johnnstoun of Dunskellie, shall not be relieved out of his present ward in the Castle of Edinburgh till he find caution that, on being freed, Fol. 3, b.

The Borders, 1602 1643.

he shall, within forty-eight hours thereafter, repair to the place of Kynneill, or else to the palace of Hammiltoun or the place of Arbroth, and keep ward within one of the said places and two miles about the same till 1st March next, the time appointed for his going abroad. If he departs furth of this realm by land, he is to pass by Beruik and by no place within the West March; and he is forbidden to return without licence of his Majesty and the Officers of State. In the meantime he is to do nothing to procure the harm of Sir James Johnnstoun. The pain is to be 20,000 merks in case he fail in any point of the premisses.

Holyrood-house, 14th Jan. 1603. Proclamation against resetting Lord Maxwell, who has broken from his ward in Edinburgh Castle.

Johnne, Lord Maxwell, having "schaikin af that dew reverence and obedience quhilk he aucht to his Majestie, and being unmyndfull of the grete favour quhilk fra tyme to tyme his Heynes had schawin unto him in ouerseing of dyvers his insolenceis and the violatioun of mony promissis maid be him," his Majesty had for a "lang tyme spairit" to urge him with that which, by the law and his allegiance to his Highness, he was bound to do. At last, however, the King and Council, "understanding that frome his insolence and disconformitie to law and ressoun proceidit the trouble and unquyet of the West Marche," had thought it meet that he should be committed to ward in Edinburgh Castle and there detained till he assured that March to be untroubled by his deed. Free liberty having been given to him in the said ward, he had upon 12th instant "maist disloyallie" escaped and repaired towards the West March, where he intends to "practize the trouble and disturbance thairof and sua to frustrat and undo the panes and travellis tane be his Majestie in satling of the same Marche undir obedience." There is therefore order to charge all and sundry the lieges, by open proclamation at the market cross of Drumfreis, not to reset or intercommune with the said Lord, under the pain of incurring the punishment due to him for breaking his ward, and also to command the officers and ministers of the law to apprehend him wherever they can, and to put and detain him in sure firmance till he be brought before his Majesty. Farther, charge is ordered to be given to Williame, Lord Herreis, Johne, Master of Herreis,

Fol. 4, a.

to appear upon , to give their best advice as to how the "practizeis and insolenceis of the said Lord may be frustrat and the cuntrey retenit and haldin undir obedience." Finally, he and all other keepers of his castles of Carlaverok and Drumfreis are commanded to remove furth thereof and deliver the same to the officer executing this charge, within six hours thereafter, under pain of treason.

Holyrood-house, 15th Jan. 1603. Laird of Johnstone's band for the entry of certain pledges.

Sir James Johnnstoun of Dunskellie, warden of the West March, having brought with him here Geordie Airmestrang, Cristie Airmestrang, and Sandie Airmestrang as pledges for the gang of Kynmonth, Fergy Bell as pledge for Reidcloik, and Johnne and Adam Carlillis as pledges for the Carlillis, for entry conform to the Act of Council dated 26th November last (*ante*, p. 830), craves that he may "borrow thame hame" upon a band whereby he obliges himself to enter the said three pledges or any two of them for the gang of Kyn-

month, Fergy Bell as pledge for all such persons as Reidcloik pledged for, and Johnne and Adam Carlillis for the Carlillis, whenever he shall be charged to that effect, and, failing thereof, to present Frances Airmestrang of Kynmonth, Will Bell Reidcloik, and Alexander Carlile, under the pain of £2000 for each of them not entered. Having likewise borrowed home Williame Airmestrang, son of Jok of Kynmonth, and having also borrowed from Johnne, Earl of Montrois, chancellor, Johnne Airmestrang, pledge for the gang of Wodhousleis (who had been committed to the Chancellor's keeping), the said Warden becomes bound for their entry whenever required, under the pain of £2000 each. The Borders, 1602-1643. Fol. 5, a.

Holyrood-house, 3rd Feb. 1603. To denounce certain Maxwells for contumacy.

Charge had been given to William, Lord Herreis, Johnne, Master of Herreis, Sir Robert Maxwell of Spottis, Johnne Maxwell of Kirkconnell, Harbert Maxwell of Cavenis, Alexander Maxwell of Logane, Archibald Maxwell of Cowhill, Edward Maxwell of the Ile, Robert Maxwell of Dynwiddie, Edward Maxwell of Tinwall, William Maxwell, apparent of Cowhill, and Edward Maxwell of the Hillis, to appear before the King and Council this day to give their best advice as to how the "practizeis and insolenceis" of Lord Maxwell might be frustrated (*ante*, p. 829). And now, Cornelius Tennent appearing for the said Laird of Cowhill, and producing a testimonial subscribed by the bailies of Drumfreis certifying the "inhabilitie of the said Archibald to travell be ressoun of his grete aige and of ane disease and swelling in his left leg," his absence is therefore excused. That of Lord Herreis is also excused; but the other persons are to be denounced for not appearing,—the execution of the horning to be superseded, however, till , on which day their appearance will save them from horning. Fol. 5, b.

To denounce the Laird of Johnstone for not entering certain of his men accused of stouth and burning.

Sir James Johnnstoun of Dunskellie, having neither appeared himself nor entered before the King and Council, as charged, Willie Johnnstoun in Kirkholm, Jok, Gibbie, and Rob Johnnstonis, sons of Howgill, Sym Johnnstoun of Finglen, Rob and Geordie Johnnstonis, his brothers, Thome Johnnstoun, called young Thome of Finglen, Jok Johnnstoun, called "gentilman," his brother, James Johnnstoun in Kirktoun, and Davie Johnnstoun in Mylnebank, all being the said Laird of Johnnstoun's men, to answer to a complaint made against them by Johnne Jerdane in Balgray, brother of the Laird of Apilgirth, and Alexander Jerdane, elder of Thornik, for having, in October and November 1599, stolen from the said Johnne twelve nolt, worth £10 each, and for having burnt the houses and plenishing of the lands of Balgray belonging to the said Johnne, and also the houses and corns pertaining to the said Alexander, the order is to denounce the said Sir James rebel. Fol. 6, a.

Holyrood-house, 5th Feb. 1603. Caution for James Johnstone.

Caution in £5000 by George Touris, apparent of Inuerleith, and Johnne Johnnstoun, bailie of the Water of Leyth, for James Johnnstoun, called of Lochhous, at present in ward in Edinburgh Castle, that, on being released, he will remain in Edinburgh till freed.

Holyrood-house, 10th March 1603.

Sir James Dowglas of Drumlangrig, during the time of the "troublis" between him and the Laird of Johnnstoun, had been forced, for his own

The Borders, 1602–1643. Fol. 6, b.

defence, to take the dependence and service of a number of persons who were not his men, for whom he gave and took assurances, and to some of whom he granted "feallis and pensionis," including James and Johnne Johnnstoun, called of Lochhous, Robert Dowglas in Erismortoun, Willie Cairlile, son of Johnne Cairlile in Bracanquhat, and Cairlile, his brother. His Majesty having settled these troubles, the persons foresaid became independent of Sir James, and "hes gevin thair dependance" to others, *e.g.*, to Lord Maxwell, the Laird of Johnnstoun, and other barons and gentlemen of the country, so that the Laird of Drumlangrig has had nothing to do with them since the pacifying of the said quarrel. Now, the King and Council, finding it nowise reasonable that all such persons as "dippit in the feid and querrell foirsaid with the said Laird of Drumlangrig upoun the respect of gayne and proffite" should still be "haldin upoun his bak," declare that he shall not be answerable for the persons abovewritten in time coming, but only for his own household men and such as dwell upon his lands. Farther, the persons abovewritten having committed reif "be way of bringandrie" upon certain merchants of Edinburgh who were passing to the market and fair of Wigtoun, Sir James, at his Majesty's request, has promised to do all he can to apprehend them; and his Majesty promises that none of them shall be pardoned without the consent of the Laird of Drumlangrig.

Act relieving Sir James Douglas of responsibility for certain persons associated with him in his feud with the Laird of Johnstone.

Fol. 7, a.

The King and Council, being "suirlie informit that the brokin men of his Heynes Bordouris, quha hes evir bene accustumat upoun everie occasioun to brek louse and mak incursionis upoun the inhabitantis of the opposite Marche, intendis now, upoun certane occasionis unknawin to his Majestie, to brek and in troupis and cumpanyis to ryde in England, and to committ reiffis and utheris insolenceis quhair they may find ane advantage,—heichlie to his Majesteis offence and contempt, and perrelling of the guid and happie peace quhilk sa lang hes continewit betuix the twa realmes",—ordain all the lieges within the three wardenries to be charged by open proclamation not to ride into England or do anything prejudicial to the good peace, under pain of death. They also command the wardens of the said Marches and the keeper of Liddisdaill to take diligent care that none within their bounds "brek or ryde in England."[1]

Holyrood-house, 26th March 1603. Proclamation against making raids into England.

Fol. 7, b.

James, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith:—His Majesty, having a special care to settle the late three Marches of Scotland "under a perfite obedience," and to reduce the inhabitants thereof to a "godlie, peciable and quyet forme of leving," and considering the "entir affectioun" of Alexander, Lord Home, to do the King's service, and his long experience to administer and execute justice within the said Marches, therefore, with advice of his Council, constitutes him lieutenant and justice within the said bounds,

Westminster, 7th July 1603. Commission of lieutenancy and justiciary to Lord Home over the three Marches.

[1] Queen Elizabeth had died on the 24th of March; but the news had not reached Edinburgh at the moment of this order and can have had no share in causing the movement on the Border to which the order refers.

giving him full power:—(1) to hold courts and to summon thereto such persons as he shall think requisite for the better execution of justice and finding out of the truth; (2) to amerce and imprison the persons so summoned for their default or other misdemeanour according to his discretion, applying the fines to his use "and without ony accompt thairfore to us to be yeilded"; (3) to hear and determine all manner of cases of murders, manslaughters, burglaries, robberies, burning of houses, fire-raising, thefts, felonies, bearing and wearing of hagbuts and pistolets, and all other misdemeanours committed within the said bounds, and to punish the offenders by fine, imprisonment, loss of life, or otherwise, according to the laws; (4) to appoint, for the better execution of justice, deputes under him, also attorneys, clerks, serjeants and other officers to attend the affairs of the said courts, for whom he shall be answerable; (5) to besiege, burn, and destroy houses or castles occupied by fugitives from justice, with guarantee that, if any of them be slain, hurt, or maimed in the due execution of this commission, the same shall not be imputed to him as a crime or offence; (6) to assemble and call to him all such persons within the said bounds as he shall think most meet to confer and consult with him for the better quietness of the three Marches, and thereupon to set down such laws as he shall think fit for the better government of the same, provided always that the said laws be reasonable and not contrary to the rights and customs of this realm; (7) to cause persons at feud to make bands and assurances for their good behaviour; (8) generally, to do all things necessary for the better execution of the commission.—Lord Home, for his pains and expenses, is to receive a pension or annuity of 1000 merks English money, to be paid to him yearly out of the English exchequer by the treasurer or chamberlains for the time, in equal portions at the feasts of St. Michael the Archangel and the Anunciation of the Blessed Virgin, during his Majesty's good pleasure. The Lieutenant is required to cause the purport of this commission to be proclaimed in all places within the three Marches where he shall think it most meet. The commission is to stand in force till his Highness shall signify his good pleasure to the contrary. Dated at Westminster 7th and 20th July 1603.

The Borders, 1602–1643. Fol. 8, a.

Fol. 8, b.

Fol. 9, a.

Fol. 9, b.

Fol. 10, a.

Edinburgh, 17th Jan. 1604. Directions to be given to the Lieutenant of the Marches.

The Lords of Secret Council assign the 26th instant to Alexander, Lord Home, for his appearance before them to receive such directions as shall be given to him touching the execution of his commission of lieutenancy over the Marches of this realm.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1599–1604.

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PRIVY COUNCIL PAPERS.

Miscellaneous apers.

1. Supplication of Eustacius Roghe, praying his Majesty to cause furnish him with the requisite number of pans, according to the contract made between them, so that the petitioner may fulfil his part of the said contract ("concerning the augmentatioun of his Hienes revenew be my overtouris" of 100,000 merks yearly), he having now made "sufficient tryell and proofe be making of salt" (*cf.* vol. iv. p. 319 and *ante*, pp. 17–8). The Lords of Secret Council ordain (5th June 1599) Johnne, Earl of Montrois, to call to him such of the Council as he shall think meet, and to reason with the complainer as to the contents of the said bill (decree deleted). Edinburgh, 5th June 1599.

Anent the manufacture of Salt.

Letter from the King to the Council anent payment of arrears to Sir William Stewart, and acquainting them with the critical state of Lewis.

2. Letter, dated at Falkland 11th June 1599, from his Majesty, under the sign manual, to the Chancellor and the other Lords of the Privy Council resident at Edinburgh, willing them to allow to Sir William Steuart, commendator of Pettinweyme, in payment of arrears of the "sindris wayages quhilkis he maid furth of our realme be our speciall employment and directioun to our gude lyking and contentment," the third part of the profit due to his Highness by Eustachius Roog, Fleming, in virtue of the contract passed between them for the making of salt (*see* vol. iv. p. 319 and *ante*, pp. 17–8). The said Lords are also desired to "aggrie with the said Eustachius for the advancement of the said work" as he and they think expedient. Farther, they are commanded "to haist the said Commendatar and the rest of his associatis to ane end and conclusioun of they thingis we have committit to you baith anent the lieutenendrie" and all other things so far as may be agreeable to reason,—for "we have ressavit letters out of the Lewes quhairby they returne is maist ernistlie craved and thocht maist necessar to be haistned:" Falkland, 11th June 1599.

3. "Instructions frome the Kingis Majestie and Lords of his Secreit Counsaill to his Heynes traist cousingis and counsallouris, Ludovik, Duke of Lennox, and George, Marques of Huntley, to be usit and followit oute be thame or ather of thame in the executioun of the commissioun of lieutennandrie, past and exped to thame, within the North pairtis of the realme (*ante*, p. 8).

Instructions to the Duke of Lennox and Marquis of Huntly, as lieutenants in the north.

First, it is his Majesteis will and eirnist desire that thay, conjunctlie or severalie, sall imploy thair particulair freindship and moyenis to see the haill North Ilis and Ilismen, togidder with certane uther hieland men duelland upoun the mayne land (quhais names heireftir followis), brocht to his Majesteis perfyte obedience, and with this to concur with the gentilmen adventuraris in the Lewis, and assist thame be all gude meanis [9th July 1599].

possible to posses and bruike the landis desponit to thame, als weill principall as warrandice, in peaceable forme, to the end his Heynes may thairby ressave yeirlie ane thankfull payment of the dewiteis contenit in thair infeftment, quhairby his Majesteis rentis salbe greatlie augmente. Miscellaneous Papers.

In the performance quhairof his Majestie and Counsaill dois esteame that the saidis Lieutennentis or ayther of thame salbe maist worthie to be weill rewardit, and promittis heirby thair recompance to follow without delay, the cuntrey being unburdynnit be raidis or utherwise.

And, in cais this jornay, quhilk importis sa mekle to his Majestie and the commoun wele of the realme, may not be perfytit in sic ane substantiall forme as the samin sould be without the concurrence and assistance of the forceis contenit within the boundis mentionat in the commissioun of lieutennandrie, then it is his Majesteis will, lyke as his Heynes, with avise of his Counsall, ordanis the saidis Lieutennentis, that, in convening of the saidis forceis and making of proclamationis for that effect, they use the counsall and avise of the personis following, viz.:—Frances, Erll of Erroill, George, Erll Mairshaell, Johnne, Lord Forbes, Sir Walter Ogilvy of Findletter, knicht, Sir Fraser of Fraserisburgh, knicht, Alexander Irwing of Drum, and Innes of that Ilk,—quhome his Majestie and his Counsaill hes adjonit as counsallouris to the saidis Lieutennentis to advise and conclude upoun the tymes and necessitie of the convening of the saidis forceis and making of the saidis proclamationis, without quhais avise it sall not be lesome to the saidis Lieutennentis to do ony thing thairintill. JAMES R."

Aug. 1599. 4. Johnne, Lord Maxwell, Sir James Dowglas of Drumlangrig, and Sir James Johnnstoun of Duinskellie, having disobeyed the direction of the Estates to enter their pledges at the Castle of Douglas on 20th August instant before Williame, Earl of Angus, lieutenant and warden of the West March, charge is issued, under the sign manual and counter-signed "Secretarius," commanding the said persons, under pain of treason, to render the castles of Carlaverok, Drumfreis, Drumlangrig, and Loch-wode to the officers executing this charge, to the effect they may be delivered to the said Lieutenant, and kept by him till they enter the said pledges. When the said houses are delivered to the lieutenant, there is power to him to appoint so many persons for keeping each of the castles. Provision is also made for the support of the men appointed to keep the said castles, to be paid furth of the rents of the said persons (*ante*, p. 32). Charge for the delivery of certain castles within the West March.

Dumfries, 31st Aug. 1599. 5. "The quhilk day my Lord Lieutennent and the nobill men and baronis of Nithisdaill, Galloway, and Annanderdaill, being convenit anent ordour-taking with the disobedient thevis and soirnaris of clannis upon the Bordouris, and settilling of the cuntrie, it is concludit, statute, and ordanit that the proclamationis maid for meitting the Lieutennent the xxviii of August instant sall desert, and that the haill forces, within the haill boundis of Nithisdaill and Galloway, sall convene and meit, baith on hors and fute, upoun Saterday at evin, the xxii day of September nixt to cum, sufficientlie provydit with fyftene dayis victuall and furnessing, with pavillionis, to Orders of the Earl of Angus, as Lieutenant of the West March, with the barons of Nithsdale, Galloway, and Annandale, respecting service against the Border thieves and sorners of clans.

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pas fordwart upoun the disobedient thevis and soirnaris of clannis, and persew thame, thair haill clannis and races, wyiffis and barnis, with fyir, sword, and all kynd of extremitie, quhill they be rutit out, and thair houssis demoleist, and thair cornis and guidis wraikit and distroyit; and this to be done upoun the xxiiii of September, quhen thai sall, God willing, tak jorney out of Drumfreis preciselie, and continew thair invasioun quhill the saidis thevis and soirnaris be ather reduceit to his Majesties obediens or ellis rutit out and distroyit in maner foirsaid. And, for performing of the premissis, the saidis nobill men, baronis and gentilmen promittis faithfullie upoun thair honouris to hald hand thairto, and to convene thair haill kin, freynds and forces, baith on hors and fute, at the tyme foirsaid, to await upoun the Lieutennent and his directioun. And als it is statute and ordanit that proclamationis be direct, in his Majesteis name and his Hienes Lieutennentis name, to all and sindrie erllis, lordis, baronis, frehalderis, gentilmen, fewaris, substantious yemen men, and uther fensibill personis within the lieutennandrie, for convening the day foirsaid; and it is concludit, statute and ordanit, in cais ony persone disobey and be absent, that thair escheittis sall fall *ipso facto*, and thair personis to be puneist at his Majesteis will and my Lord Lieutennentis; and als it is concludit that sic personis as hes not reparit to my Lord Lieutennent this present raid sall be in danger of the panis contenit in the saidis proclamationis at his Lordshipis will, in exampill of utheris to commit the lyke disobediens in tyme cuming; and ferther, that sic personis as reparis nocht to Drumfreis the said xxii day of September nixt to cum at ewin salbe estemit and puneist in thair personis, landis and gudis, sic like and in the samin maner as giff thai comperit nocht thaireftir, but favour or mercie. And attour, it is concludit, statute, and ordanit that sic personis of the clannis on the Bordouris as enteris nocht thair pleges, and satisfeis the Lieutennent with thair obediens betuix and the said xxii day off September nixt to cum, sall nevir be acceptit thairefter, bot salbe persewit in maner abovewrittin quhill thay, thair wyffis, barnis, and haill clannis and races be rutit out and distroyit. It is concludit that the inhabitantis of the burrowis underwrittin sall send and furneis to the said raid the numberis eftir specifiet, viz.: the burgh of Wigtoun xiiii hagbuttaris, the burgh of Quhithorne sax hagbuttaris, the burgh of Kirkcubricht tuentie hagbuttaris, and the burgh of Drumfreis fourtie hagbuttaris, and xxiiii pioneris and masonis. Sic subscribtur: Angus, lieutennent, Lochinvar, younger, Lag, Barnbarroch, Tutour of Bombie, Amisfeild, Mochrum, Myirtoun, Kinhilt, Gaitgirth, younger, Sir Robert Maxwell, Cosschogill, Machirmoir, younger (*ante*, p. 27).

ROBERT PHILLOPE, notar publick,
and clerk to my Lord Lieutennent."

Offers of obedience by the Armstrongs to the

6. "The offerris for our obediens quhilk the name of Armestrange that duellis upoun my Lord Maxvellis landis makis to the rycht noble my Lord off Angusse, lord lieutennent and justice, quhilk we

humlie desyre his Lordship to advysse with the barronis and noblemen of the wardenry. Miscellaneous Papers.

Earl of Angus as Lieutenant of the Marches.

In the first, for our obediens to his Majestie and my Lord Lieutennent, we offer to enter sic sufficient pleges as we haif or can gett,—conforme to the ordour sett doun be your Lordship in Annand,—our pleges being handlit as use is: viz., put to gentilmen to remean quha wilbe anserable for thame, becaus we ar poore and utterlie hereit with Ingland, and dow nocht susteane thame ourselffis; and our pleges beand enterit to be changit ilk thre monethis anis, and uther pleges to be enterit in thair rowmes, conforme to the ordour sett doun in the plege buik and roll.

Secundlie, we offer to satisfie all compleneris within Scotland, giff thair be ony, ilk man for his awin pairt, at sic court and courtis as salbe appoyntit to that effect, and conforme to the ordour to be taking with the rest of the cuntrie for satisfactioun in lyke sort.

Thrydlie, we offer to mak redresse with Ingland conforme to the Laws off Merches, provyding the lyke ordour be observit for bayth the countreis to utheris, and to giff and tak all at ane tyme."

7. "The Johnestouns offeris:

Offers of obedience by the Johnstones to the Lieutenant.

In the first, we offer to performe for our brainches toward the redres of Scottis as the Armestrangis dois.

Secundlie, we sall enter our pleges sic as wes usit to be gewin to your Lordship or ony other Lieutennent or Warden off befoir,—the quhilk salbe sufficient for everie branche.

Thridlie, we ar content to mak redressis to Ingland according to the Laws off Marche without ony kynd of exemptioun.

Farther, to satisfie your Lordship off our guid willis and obedience, we, the principallis off the said branches, is contentit to becum cautioun to enter to your Lordship the foirsaid pleges within 10 dayis next heirefter for redress, thair lyffis being suire and thame selffis to be keipit with gentilmen as thai had wont to do off before, and your Lordship to appoynt ane court off redres to hald within 20 dayis at Lochmaben, or ony uther convenient place quhair we may hald for deidly feidis, and thair we sall redresse upoun sufficient tryell as your Lordship and my Lord Lieutennent usit in your lordshipis courtis off redresse off befoir.

And, giff thir offeris will not satisfie your Lordship, we desyre 20 dayis assurance of your Lordship, quhairthrew we may in the meantyme be advysit with our freindis how we sall mak redresse to your Lordship.

Sycklyke, as for the Lairdis dependaris, viz.,—Johne Irving of Luce, Hobb Irving off Turnschaw, and James Irving off Trailtrow, Chrystie Armestrange off Barnegleis,—thai sall mak our obedience conforme to the Laird Johnestones [? offers] off befoir."

8. "Thir ar the offerris the Johnstonis is content to performe to me Lord Liuftennent:

Offers of the Johnstones to the Lieutenant for their good behaviour.

In the first, we offar to performe for our breinches towaird the redres of

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Scotland as the rest of the Bordouris dois sen your Lordshipis exceptatioun of office.

Secundlie, we sall enttir our plaidgis sicc as was of befor gevin to ony Liuftennent or Wardane the quhilk salbe thoucht sufficient for everrie breinche.

Thridlie, we are content to maik redres to Ingland according to the Law [of the] Merche without exceptioun.

Fardour, to certifie your Lordship of our guid obediance, we, the saidis breinches, is content to becum catioun to enttir our plaidgis to your Lordship betuix and siet day as your Lordship and barronis will consudar they may be provydit in thair nacesseris, thair lyffis being suir and thamselffis to be keipit with gentillmen as they war in use of befoir; and your Lordship sall apoynt ane court of redres within xx days to hauld at Lochmaben, or ony uther ganand plaise quhair we may cum for the deidlie feidis we ar into, and thair we sall maik redres upone sufficient tryall, as your Lordship and the last Louftennent usit of befoir.

Farther, we will maist humlie craiff your Lordship, gewe thir our ressonabill offeris will not satisfie your Lordship, to taik ordour with the rest of the Bordouris according to the Kingis Majesteis directioun, and quhatsumever ordour your Lordship taikis with the rest of the Bordouris we sall be willing to furthfill the same to the uttermest of our pouour.

Thir ar the names of the plaidgis we sall enttir to your Lordship, as follows:—

I, Mongo Johnnestoun of Lockerbie, is content to enttir myself and my sonne Arche, for myself and my bairnis, servandis, and tennentis, as I sall gave your Lordship in roll, in cais ye will except this my offer.

I, Johne of the Howgill, is content to enttir myself and my sone Robert, and faillyeing him ane uther of my sonis quhilk sall be thoucht sufficient, for the brienche of Kirkhill.

Syme Bighill for the auld gang of Wamfra: to wit the Hullhous, the Mill, and Mairttenis bairnis.

James Johnestoun in Reidhall, or Davie, his brother, for the gange of Brumell.

Thome of the Birkhill for the gange of Foullduris.

Cuidis Jame of Preistdykis for thame of Tanergarthe (Fairholme), and faillinge him ane uther sufficient plaidge.

Geordie of Myrheid for his faithair and for Cuiddie Johne, his faitheris brother, and for Mairttenis, Andro, and Willie of Mellduntie, and thair servandis.

Ane of the brether of Carttertoun for thame of Persbehall and Finglane.

Hendrie of Fenttonis Willie for the Grhames of Dryff.

For thame of Millbank ane of Davie Milbankis brether, or ellis ane quhilk sall be thoucht als sufficient.

And farder, we will desyr of your Lordship, at the enttrie of thir our

pladgis we haive offerit, that sict as your Lordship hes under promeis all-reddie may be releiffit, and that the Laird, our cheiff, may be brocht hame betuix and the court day of redres your Lordship will apoynt. Miscellaneous Papers.

MUNGO JOHNSTOUN (of Lokerbe).
DAVID JOHNESTOUN (Brigmur).

We, Johne of the Howgill, James and Johne of the Tunargarthe, and Willie Myrheid, and Adie of Fenttoun, and Will Cairinvauche, Johne of Cartertoun, Davie Milbank, Syme Bighill, with our handis at the pen led be the nottar at our commandis, becaus we can nocht wrytt our selfis: James Johnestoun, nottar in the premissis."

9. "The answeris and ressonis set doun be the Lieutenent and Baronis quhairfoir thai refusit the offeris maid be the Johnestonis.

The first offer anent the redres of Scotland is generall,—offerand to redres as the rest of the Bordouris dois; for, albeit the rest obey nocht, thay mon ather obey or refuis, and the skaithis sall be tryit be the oath of the defendar, or be ane assyis, at the optioun of the complener. The Lieutenant's answer to the offers of the Johnstones.

The secund generall offer anent the pleges: it is ansuerit thairto the pleges set doun be his Majestie mon be enterit, or ellis ane brother or ane brother sone, being notorious thevis and rydaris, conform to his Majesteis missive and the plege buik.

The thrid offer, berand that the branches is content to be caution for the entrie of thair pleges betuix and sic a day as thai may be providit in thair necessaris, is nocht resonable, becaus the forces is presentlie convenit and can not be skaillit, and thairfoir the pleges mon be enterit afoir the forces be dissolvit.

As to the last offer, craving to superceid thame quhill ordour be taikin with the rest of the Bordouris, it is nocht ressonable, becaus the forces ar togethir, and thairfoir obediens mon be gevin of all men; otherwyis sic as disobeyis salbe persewit with rigour.

Ansueris to the particular offeris of the speciall pleges.

Mungo of Lokarbie and his sone Archie ar not sufficient, becaus it is set doun be the plege buik, and be his Majestie and Counsall, that the pleges sall be within fiftie yeiris and outwith xxv yeries of age, men of knawin activitie, notorious thevis, and rydaris, and to this his Majesteis missive is also relative; and the said Mungo is outwith thre scoir yeris, ane ald and febill man, his sone Archie but ane boy within xv yeir, and yit na notorious theiff; and, ferder, he makis offer to plege for himselfi, his barnis, and tennentis, and leiffis out the gang of Grenesyde, quhilk is the halff of his branche, and can not be devydit.

As to Jok of Howgill and his sone, the same ansuer is gevin to him, being outwith fiftie, his sone Robie being ane boy, and Daveis Gibbie being enterit afoir, is yit cravit to be ane. And, thir twa branches of Lokerbie and Wamfray, and they of Peirsbihallis and Finglen, being

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moniest of number and maist trubilsum, thair mon be tua of ilkane of thir branches enterit, conform to the particular roll deliverit be the Lieutennent to the Laird of Elscsheillis to be deliverit to the Johnestonis.

Last, in thir offeris gevin in be the Johnestonis, thair is ane greit number of thair gangis that hes nocht offerrit, specialie Kristie Kerrutheris of Dormont, the Moffettis of Cummok, the gang of Boneschaw, Thom Johnstoun of Clachrie, Rob of Tounfute, and certane utheris quha wes plegeit for be the Laird of Johnstoun of befoir, and sua can nocht now be laid of him; and thai duell yit, at the leist ar reset daylie, within his boundis, and thai and the rest of the Johnestonis still rydis in steilling together; and, becaus the forces (being convenit divers tymes) ar now presentlie convenit, thairfoir ordanis the Johnstonis and all utheris to obey presentlie, and entir the pleges that enterit afoir to his Majestie,—quhilk the Lieutennent will change with the pleges deliverit in roll to the Laird of Elscshellis, quhilk is produceit heirwith."

Draft of a report by the Earl of Angus to his Majesty concerning his proceedings in Annandale against the Johnstones.

10. "Informatioun of the haill procedingis aganis the Johnestonis.

First, being in Douglas befoir my cuming in the cuntrie, I wrait to Oct. 1599.
the Laird Johnestoun to Dumbarten, that he wald caus his freyndis entir thair pleges; quhais answer wes—thay wald do nathing for him, he being in the place he wes in. Thaireftir, I come to the Lochwood, spak his wyff, Mungow of Lokirbie, and sum of Kirkhill, quha said thai wald speik thair freyndis but wald not promeis. Thaireftir, I met the Laird of Balcleuch and the Johnestonis besyde Lochmaben, quhair thai gaiff me sum offeris, but refuissit till entir thair pleges quhill the rest of the Bordouris had plegeit; and thai maid thair subterfuge of ane missive of his Majesteis willing me to sute na entrie of thame quhill utheris had first obeyit. In the menetyme, Jok of Kynmount being travelland with me in offering obediens of his branche, ane generall assurance being proclamit, Francie of Lokirbie brak the samin, notourlie knawin.

Sen my cuming fra Linlithgow, I haiff sindrie tymes written to the Larde Johnestoun, to caus thame gif thair obedience, and specialie with the Laird of Elscsheillis, and appointit thame ane particular day for entrie of thair pleges at Torthorwall; quhilk dyet thai kepit nocht, but send me answer with Elscsheillis that thai suld aduyis, and sua thai haif drivin tyme with me thir sax oulkis and mair.

In consideratioun quhairof, and that the yeir preceding I gaiff thame credite and tuke thair pleges enterit and thameselffis souirtie, ane for ane uther, quhilk thai for the maist part brak, I thocht I culd nocht be ansuerable to his Majestie to tak the lyke slak ordour with thame this yeir; and thairfoir, having the baronis and forces of Nithisdaill and Galloway convenit in Drumfreis, thre dayis eftir thair convening I ressavit sum offeris fra the Johnestonis, quhilk I advisit with the baronis; and in the menetyme of the ressait thairof,—afoir my ansuer wes returnit, and nocht gevin up, nather in my pairt nor thair pairt,—thay tuke his Majesteis castell of Lochmaben. In respect quhairof, with advise of the

baronis, I raid upoun sum of thame that tuke the samin and that hereit his Majesteis pure tennentis of his Hienes proper landis, and it wes tua dayis eftir the taking of the said house or I maid ony invasioun. For, upoun Monunday at evin, thai tuke the said Castell; upoun Tyisday thai reft the pure tennentis geir; and I tuke jorney with the forces of the cuntrie upoun the Thurisday thaireftir, and brint sum houssis pertening to Mungo of Lokirbie and his tennentis, and certane utheris that wer partakeris at the taking of the said Castell and reving of the pure mennis geir; and upoun Thurisday at evin I movit the Laird of Lochinvar, younger, to speik to thame that wes in the Castell, desiring the samin to be renderit. Quhilk nocht onlie thai refuissit, bot maist proudlie said thai had als gude kyndnes to that Castell as to ony hous or land in Annanderdaill, and thai wald nocht rander it nowther to King, Quene, nor Lieutennent,—quhilk the said Laird of Lochinvar will yit testifie. Thaireftir, upoun Fryday, I brint Howgill, Davie of Kirkhillis, and sum uther of Wamfra that wes at the taking of Lochmabane, and hes procedit na ferther; bot still socht thame to enter thair pleges, ather thame set doun be his Majestie or by the baronis; and send Elscsheillis to the Ladie Johnestoun for the same effect upoun Sonday the last of September. And thai refuissit ather to entir the pleges or deliver the said Castell; bot, be the contrair, Mungow of Lokirbie and his wyiff ar cummit till the samin and brocht victuall thairto, and, as I am informit, ar takand doun all the greit tymmer thairof, and thinkis till mak it sa that na man sall duell in it heireftir.

Item, upoun Fryday, I being in Wamfra, Mairtenes Thom, Will of the Hilhous, Davie Kirkhill, Gibbie his sone, tua sonis of Will of Kirkhillis, Thom of the Clachrie, being ane outlaw the last yeir and yit still, and Kirstie Moffett, with thair complices, brint ane pairt of the Lord Sanquharis landis, and hereit sindrie of his pure tennentis. The same day, the brethir of Lokirbie, Andro of Prenesyd, Howgillis Jok, Kirstie of the Floshe, Lang Kerrutheris, brint houssis in Rokell pertening to the Laird of Lag.

Upoun the xxix of September, Thom of the Clachrie, Pate Moffet, and sum uther Johnestonis staw and reft aucht oxin fra Johne Kirko of Bogrie. Upoun the secund of October instant, the Johnestonis of Wamfra and Lokarbie reft fra Archibald Douglas in Carrounhill iii^{xx} ky and oxin and sax nages. The thrid of October, Davie Kirhill, Gibbie his sone, Jok of the Staywod, Jok of Hungriehillis, with their complices of Wamfra and Cairtartoun, hes brint the place of Kirkmichale, with ix^{xx} scheip, xii nolt, sax horsis, tua nages, and the insicht. Upoun the fourth of October, certane persones hes brint the houssis pertening to Johne Kirkpatrik in Clachrie, being the Lord Maxwellis heretage.

Item, albeit I directit ane missive to the Lady Johnestoun to enter the same pleges set doun be his Majestie in Falkland upon Wednisday the xxvi of September at Thomas Cleuch, yit I directit Elsisheillis to declare the Lady Johnestoun and thame I wald accept uther sufficient pleges, and yit na man kepit the appointit day to offer me ony maner of pleges; bot,

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be the contrair, they tuke the said Castell and hereit his Majesties pure tennentis, under commoning as said is.

Item, afoir that I resavit the Lady Johnestonis missive bering that hir husbandis freyndis wald do na uther thing bot it that the Laird of Balcleuch offerit. Being upoun the feildis, I ressavit ane uther missive for saifftie of trew men and the pure tennentis of Johnestoun onlie.

Item, remember to produce the band maid be the Laird Johnestoun for the entrie of Jame of the Gubhill, and declair the samin wes brokin, in sa fer as he come away fra his kepar; and als, declair that he promeist to re-entir Davie Kirkhillis Gibbie, and, gif he denyis, to refer the samin to his aith.

Item, anent the housis allegeit pertening to Symmie Johnestoun, quhilk wes brint, to declair the samin houssis and landis pertenis to Robert Maxwell of the Tour in heretage, and he hes ane law aganis Symme and the tennentis, and he that wes heretour thairof brint thame. Ferther, the saidis tennentis resettis Thom of the Clachrie, ane outlaw, and his wyff and bairnis, and sho duellis thair, and he reset at all tymes be thame. As to the houssis of Girtheid that wes brint: to declair that the Lord Maxwellis secund sone, being upon the feildis, put fyir in the houssis, be ressoun that it wes reportit the Laird Johnestoun had anis gevin the samin to Davie Kirkhill for the slauchter of the Lord Maxwell, his father, and that sa sone as I persaiffit the fyir I did quhat wes possible, and red the maist pairt of the saidis houssis.

Remember to craiff his Majesteis advise how I sall proceid with the Johnestonis of the heid of Annanderdaill, quha offeris onlie thair awin band, quhilk is nocht thocht sufficient be the baronis, becaus I offer thame securitie of the Maxwellis, Douglassis, and all uther quhais blude has bene drawin, and thairfoir it is thocht gude ather thai sall find souirtie, or gar four of thame enter in sum warde as cautioneris for the rest, quhill the outlawis be takin ordour with, becaus it is hard to let thame be fre and persew thair freyndis, albeit thai be outlawis.

Remember to craiff of his Majestie to direct charges upoun the baronis and gentilmen of Galloway, with missives to sum of the speciall, to cum to Drumfreis with thair houshaldis, induelling ane space quhill the outlawis be tane ordour with and the cuntrie settillit.

Remember, anent the offer maid be Mungo of Lokirbie to entir himself and his youngest sone as plegis for his barnis and servandis, it wes refusit be the baronis, becaus he omittit the half of his branche, viz., thame of Prenesyde, Kirstie of the Floshe, Harknes the Skrub, Dinwiddie, and mony uther his men and partakeris, and forder he wes outwith fiftie yeris and his said sone inwith xv yeir. As to Howgill, he wes thocht ovir litill except he had enterit Davie Kirkhillis Gibbie with himselff, quhilk wes refuissit, and his sone Robie is bot ane barne.

As to the reporte maid be Johnestoun to his Majestie of the skayth done to his thevis, it neidis not his Majestie to tak tent to sic triffillis, seing thai haiff nocht onlie the haill geir and heirschip of the cuntrie, bot

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the haill blude of all men betuix the Sanquhar, Carlaverok, and the Watter of Ur, quhilk is mekle mair to be regairdit; and, ferder, thair is mair skayth done to the Laird of Kirkmichaell within thir sax dayis upoun a nicht nor all the skayth thai haiff pretendit.

ERLL OF ANGUS, Lieutennentt."

Edinburgh, 12th Nov. 1599.

Execution of charges to John Dunbar and John Kennedy to answer for contravening an act of caution.

11. Johnne Dumbar of Barnmure having on 26th August last become surety in £500 for Johnne Kennedy, apparent of Blairquhane, that he would answer on 9th October last for his lying at the horn, there are letters at the instance of Alexander, Master of Elphingstoun, and Mr Thomas Hammiltoun of Drumcairne, to charge the said parties to answer on 11th December next for having contravened the caution, and to hear themselves decerned to have incurred the said pain. The charge against Kennedy is executed on 1st December by Daniell Hair, messenger, in presence of Johne Moutra, George Douglas, and James Cowan; and the charge against Dumbar by James Wilsoun, messenger, on 5th December, before Robert Symontoun and James Baxter, witnesses.

Holyrood-house, 12th Nov. 1599.

Charge to Robert Lumsden and others to answer for hamesucken and spuilyie.

12. Robert Lumsden of Airdrie, Lumsden of Blanerne, Clemet Cor, burgess of Edinburgh, David Lumsden in Moringtoun, Patrik Lumsden in Coldinghame, with others, having been accused of having come in March 1596, by way of hamesucken, and armed with hagbuts and pistolets, to the dwelling house of Archibauld Inglis in Eymouth, and taken the said Inglis, without cause or authority, as captive to the tolbooth of Edinburgh, where they "patt him in the irnis amang thevis and malefactouris," and of having at the same time reft all his horses, oxen, corns, sheep, and goods, and seized his lands, there are letters charging the said persons to answer before the King and Council on 4th December next, under pain of rebellion. Thomas Edgair, messenger, executes the charge against Robert Lumsden and Clemet Cor on 27th November 1599, before Johne Aykene, merchant, Daniell Boyll, and William Makesone, messenger; and Alexander Fermor, messenger, executes the charge against the other defenders on 25th November, before Piter Gibsone, Mungo Twedie, and Johne Dowglas.

Holyrood-house, 20th Nov. 1599.

Caution for the entry of Andrew Johnstone, William Carlyle, and other pledges.

13. Caution by Sir James Johnnstoun of Dunskellie for Andro Johnnstoun, second son of Jok of Kirkhill, Robert Johnnstoun of Carter-toun, and Andro Johnnstoun of Milbank, pledges entered by him for assuring payment of the bills to be filed on the Johnnstonis, that they shall enter in such wards as shall be directed to them, under pain of punishment of the said Sir James "as a braibar of the cuntrey," and payment by him of the bills for which the pledges are entered. Sir James also undertakes to be answerable for Pait Moffet of Cammok. Robert, Lord Creichtoun of Sanquhair, promises, in presence of the King and Council, to enter Willie Carlile of Brachaquhat to William, Earl of Angus, lieutenant, on 18th December next, as pledge for assurance of redress and payment of the bills to be filed on the Carrlillis. William, Earl of Angus, lieutenant, promises in presence of his Majesty and Council to be answerable for the keeping of the pledges of the Bellis and Armestrangis now in his hands.

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The King and Council ordain the said Lieutenant "to use ane indifferencie in the justice courtis appointed to be haldin be him be causing delivery be maid of ane bill of Annandirdaile for ane bill of Nithisdaill."

14. Letters, subscribed by his Majesty, charging Barnald Lindsay, , to appear before the Council on 29th instant, provided to find sureties for the payment of his Majesty's customs set to them, under pain of rebellion. The charge against Lindsay is executed at his house in Leyth on 27th November by Daniell Boill, messenger, before Thomas Morisoun, Daniell Grahame, Dingwall pursuivant, and Robert Schankis. Holyrood-house, 26th Nov. 1599.

Mr. William Galbraith against Sir John Hirsell.

15. King's letters, subscribed by Lord Newbotle and Mr Robert Young, and executed by Johnne Law, messenger, on 8th December, in presence of James Hairstans, William Portuous and Arthour Stratoun, charging Sir Johne Ker of Hirsill, to answer on 13th December next for uttering, on 24th November instant, injurious speeches against Mr William Galbraith, minister at Bedroule, putting hands on him, and "avowing gif he gat me out of Edinburgh to cutt af my lugis,"—there being an action depending between them before the Lords of Session. [No record of any judgment]. Holyrood-house, 27th Nov. 1599.

Charge to Falconer of Halkerton in the matter of suspension of horning.

16. Alexander Falcouner of Halkertoun having, upon "certane frivole' reasons, obtained suspension of the horning against him till 1st November instant, and not having appeared that day or since to insist in the calling of the said suspension, there are letters on the suit of Alexander, Master of Elphingstoun, treasurer, subscribed by Kokburne and Mr R. Young, and dated at Edinburgh 30th November, charging Falcouner to produce the said suspension the first Council day after the charge, in order that justice may administered in the case. The charge is executed, 1st December 1599, by George Kirkwood, messenger, before Johne Nasmyth, chirurgeon to their Majesties and burgess of Edinburgh, William Leslie, burgess there, and Patrik M°Claren, his servitor. Edinburgh, 30th Nov. 1599.

Alexander Falconer craving suspension of horning.

17. On complaint by Alexander Falcouner of Halkertoun that he had been charged, at whose direction he knows not, to find caution conform to the general band, under pain of horning,—whereas, by Act of Parliament, only landlords in the Highlands and Borders are ordained to find such a caution, and complainer dwells in the heart of the in-country, to wit the shire of Kincardin, the tenants whereof are peaceable men,—there had been letters, dated at Edinburgh 14th July, charging the Treasurer and Advocate to answer in the premisses before the Council on 1st November next, and suspending the said horning till 10th November. Adam Weir, messenger, had, upon 18th July 1599, delivered a copy hereof to Johne Ramsay, Unicorn pursuivant, before these witnesses,—Thomas Gibson and Patrik Mortoun,—and, on 28th November 1599, a copy to William Forsyth, messenger, before these witnesses,—Patrik Ramsey and James Ogilvye. And now (4th December), both parties appearing [no judgment is recorded]. Holyrood-house, 4th Dec. 1599.

18. There had been King's letters, under the sign manual and countersigned by the Secretary, of date 24th November, charging Robert, Lord Creichtoun of Sanquhair, to answer on 4th December next for having Holyrood-house, 4th Dec. 1599.

apprehended and carried away as captives Alexander Blair of Batheyok, and Mr William Rynd, parson at Kynnell, while they were passing home from a meeting for settling some dispute between him and them anent the teinds of the kirk of Kynnell, whereof the said Lord is patron. The charge had been executed against Lord Creychtoun at the town-end of Sanchar on 26th November by Ninian Ramsay, messenger, before Gilbert Gordoun of Shannane, Williame Heislop, burgess of Sanchar, and William Heislop, his servant; and now, 4th December, Lord Sanquhar failing to appear, there is warrant to the Earl of Angus, lieutenant in the West March, for his apprehension. Indorsed: "This letter presentit and registrat the day within written: M. Robert Young." Miscellaneous Papers. Warrant for the apprehension of Lord Sanquhar.

Holyrood-house, 4th Dec. 1599.

19. King's letters, dated 15th November, and subscribed by his Majesty and the Secretary, had been executed on 27th November by Robert Elder, messenger, against Johnne Blair and his accomplices (*ante*, p. 59), at the place of Bamyll and Babochrie, where they dwell, and against the Smallis at the place of Fodronis, and also against the foresaid persons, at the market cross of Perth on 28th November, in presence of Michael Hall, messenger, Ritchart Bellmaker in Edinburgh, Patrik Blair, and Johne Robertsoun, burgess of Perth: Presented and registered as above. Charge against certain Blairs and Smalls.

Holyrood-house, 6th Dec. 1599.

20. King's letters, dated at Halyrudhous, 16th November, and subscribed by his Majesty and the Secretary, have been executed by Johne Bennett, messenger, on 27th, 28th, and 29th November, against Johne Arnot of Woodmilne, younger, and his accomplices (*ante*, p. 61), either personally or at their dwelling houses, and at the market cross of the burgh of Couper, in presence of Adame Mathesone, herald, Archibald Syme, trumpeter, William Bennett, James Philp, James Smithe, Robert Airthe, David Betoune of Balfour, William Miller, William Bennett, with others divers. Execution of charge against Arnot of Woodmilne and others.

Holyrood-house, 6th Dec. 1599.

21. Complaint by George Cearnis in Tranent that Thomas Wilky of Sauchtounhall, William Broun in Mortoun, and Johne Reid in Comstanis, had apprehended him on 20th November last, while he was passing to the House of Mure beside the Four-Mile-House, and taken him as captive to Edinburgh, affirming that he was theif, "aganis the treuth." Charge had been given on 2d December to the defenders,—to the first at his house of Megitland and to the others personally,—by Thomas Edgair, younger, messenger, in presence of Johne Dougall, messenger, Richert Chalmeris, burgess of Edinburgh, Allane Blak, and Johne M^{c}Cartour, flesher, to answer this day; and now, pursuer appearing personally, and Wilky and Broun being also present, the Lords assoilzie them, and decern against Reid. George Cairns against Thomas Wilky and others.

Holyrood-house, 6th Dec. 1599.

22. In the matter of the complaint against Williame Sandelandis of Sanctmonanis (*ante*, p. 61), there had been order in King's letters, dated at Halyrudhous 27th November, to charge Andro Melving in Ardait, Johne Buist in Pitterauchny-Little, Walter Heriott in Rammornye, Alexander Mathie in Dustmylne, William Syme in Pentagatt, Archibald Mathie in Pitlair, James Thomsone, elder, and James Thomesone, younger, in Weddersbie, Johne Ballengall in Monymaill, Alexander Syme there, Johne Melving there, David Bowman in Falkland, Johne Melving in Execution of the charge for the appearance of certain witnesses in the case of Sandilands of St Monance.

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Ardat, Andro Leslie in Killassie, Andro Scott, Thomas Fyff in Pitlair, George Boiswell at the West Brig of Kirkcaldie, Johne Seytoun of Pittedye, Hendry Gilmurie, servant to the Laird of Rossie, Johne Bonar, younger, in Rossie, William Harwie in the Bowes, Alexander Wischart in Colessie, Andro Fairny in Lumquhatt, to appear before the Council on 6th December, to bear witnessing in the said matter. Gawin Furd, messenger, executed the charge on 30th November against said William Sandelandis, before James Sandelandis, servant to the said William, and James Stevinsone, and against the said witnesses on 1st, 2nd, and 3rd December, before James Ged in Monymaill, James Walker in Pitlessie-Mill, Andro Melving in Ardre, and Johne Lyndesay in Falkland.

Action against Hamilton of Preston and others.

23. There have been letters, dated at Edinburgh 1st December, charging Hammiltoun of Prestoun, under pain of rebellion, to produce before the Council on instant James Liddell, mariner in Prestoun, lately delivered to him as guilty of importing false coins called tinklers, to the effect the said Liddell may be tried; also, charging Williame Thomesoun, skipper in Prestoun, in whose hands the said coins, extending to 25 lb. weight, are, to exhibit on the said day the same, with the "kist" wherein the same is "naillit." The charge against Thomesoun had been executed on 2nd December by Williame Forsyith, messenger, before Robert Symentoun and George Cuninghame in Edinburgh, and that against Hammiltoun on 4th December, in presence of the said witnesses; and now (6th December), Hammiltoun and Thomesoun appearing, the 13th instant is assigned to them to prove their defences. Holyrood-house, 6th Dec. 1599.

Andrew Lockhart against the Lairds of Colinton.

24. The King's letters raised by Andro Lokhart against the Lairds of Colintoun (*ante*, p. 61) are dated at Edinburgh 8th November 1599, and subscribed by John Prestoun. George Gilbert, messenger, executed the charge against the defenders on 17th November, before Mr Johne Dawling, advocate, Charlis Fortoun, cordiner, Gabriell Lokhart, and Robert Kirkwode. Holyrood-house, 6th Dec. 1599.

Charge against Menzies of Weem.

25. The King's letters against Alexander Menzies of Weyme, dated 22nd November 1599 (*ante*, p. 61), were executed on 27th November by David Drummond, messenger, before Gabriell Merser, Archibald Haldane, and Thomas Nicoll, notary, burgesses of Perth. Holyrood-house, 6th Dec. 1599.

Charge against Toshesch of Monivaird.

26. The King's letters, dated at Edinburgh, 7th September 1599, had been executed against Eduard Toscheauch of Monywaird (*ante*, p. 60) by William Wrycht, messenger, on 17th November, before William Findell, cobbler in Broyche, and Johne Roy Toysoche, servant to the said Edward. Holyrood-house, 6th Dec. 1599.

Depositions anent the libel against the Laird of St. Monance.

27. In presence of the Justice-Clerk, the Clerk of Register, and Sir George Home of Spot, Alexander Wishert in Collessie, being examined, depones that, on 24th August last, the Laird of Sanct Monanis, accompanied by 24 persons on horseback, had been at the town of Lethame, but denies that he saw any hagbuts, pistolets, or long weapons in that company. Deponer saw Thomas Buntie (Buntene) come to the said Laird, who said to him that he "mervellit that he had tayne his fuilyie out of his myre, quhairby he had spilt his mylne leid, and causit the watter rin Holyrood-house, 6th Dec. 1599

upoun his corne; quha answerit, gif I have done any wrang to you that it wes aganis my will, and I sall mak amendis; quhairupoun the Lard desyrit the said Thomas to yok his carte and cary the samin fuilyie to the myre out of the quhilk he tuke the samin,—quhilk the said Thomas did." Alexander Mathie in the Dustmylne, James Thomsoun, younger, in Wodderisbie, dwelling under the Lady Keltye, William Sym in Bantagar, under Alysoun Orrok, Alexander Sym in Monymaill, servant to Sir Robert Melville, elder, Archibald Mathie in Pitlair, Thomas Fyff there, Robert Batiesoun in Halhill, Andro Melvill in Ardett, Johnne Melvill in Monymaill, under Sir James Melvill of Halhill, David Bowman in Falkland, Johnne Ballingall in Monymaill, under Patrik Hammyltoun in Mundopark, and Andro Leslie in Collesie, under the Laird of Halhill, also depone in the same matter. Miscellaneous Papers.

Holyrood-house, 6th Dec. 1599.

28. King's letters, dated 1st December 1599, and subscribed by the Chancellor, the Treasurer, the Comptroller, the Secretary, and the Advocate, had been executed on 3rd December against David Brysone and others (*ante*, pp. 59, 60) by David Boyill, messenger, before Johnne Galbrayth, James Clerksoun, Alexander Fergussone, Andro Fyffe, Patrik Thomesoun, apothecary, William Ruthven, and George Pursell, admiral officer. Alexander Hunter against David Bryson and others.

Edinburgh, 7th Dec. 1599.

29. The Act fixing the prices of new wines (*ante*, p. 62) is subscribed by the Earl of Montroiss, chancellor, the Secretary, Lord Neubotle, the Clerk of Register, Sir Robert Melvill, the Bishop of Dunkeld, and Mr Thomas Hamilton. Price of new wines.

Holyrood-house, 8th Dec. 1599.

30. Letters to be directed charging Leirmonth, younger of Dersy, and his accomplices, on the one part, to answer before the King and Council on , for unlawfully convocating the inhabitants of St Androis, to the number of seven or eight score persons, with other lieges to landward, all armed with jacks, spears, steelbonnets, hagbuts, and pistolets, and coming with them from the said city to the hill above the place of Blebo on last, and also charging Traill of Blebo and his accomplices, on the other side, to appear and answer for making like convocation on the day foresaid,—when "baith the saidis pairteis" stood "in ordour of battell," ready to have "yokit and enterit in combat, to the brek of the peace," had not some "weill affectit subjectis" moved them to dissolve. Charge to Lermouth of Dairsie and Trail of Blebo to answer for illegal convocation in arms.

Holyrood-house, 15th Dec. 1599.

31. Nomination of Sir Johnne Carmichaell of that Ilk as Warden of the West March (*ante*, p. 63), subscribed by his Majesty, the Earl of Angus, as lieutenant, and the Secretary. Sir John Carmichael, warden.

Holyrood-house, 18th Dec. 1599.

32. Catherine Barclay, widow, having complained that, upon 16th October last, while she was passing in the high way to the Raith, Andro Downy in St Ninian's Chapel put violent hands in her and took her to his house, where he "tirvit the claithis af her," reft the same from her, with certain writs and silver, and then "patt hir away naiked," there had been King's letters, dated at Edinburgh 22nd November 1599, charging the said Downy to answer on 11th December next, and also charging William Coilyier, elder, and William Colyier, younger, in St Ninian's Chapel, to appear the said day to bear witness in the said matter. Thomas Catherine Barclay against Andrew Downy for violence and oppression.

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Allane, messenger, had executed these charges on 4th December 1599, before Alexander Barclay, son of the Laird of Touch, William Stokkis and Henrie Kinneir, servitors to the Laird of Cardoun; and now (18th December), both parties appearing, and the pursuer having referred the complaint to the defender's oath, and he having refused to give his oath, the order is to commit him to the Tolbooth.

Non-appearance of Lord Maxwell to answer for his men as charged.

33. There had been letters, dated at Halyrudhous 19th November, ordaining Johnne, Lord Maxwell, and his tutors and curators if he has any, to be charged personally, or by open proclamation at Drumfreis, to appear before the King and Council on 13th December next, and answer for the obedience of his men, under pain of rebellion. The charge had been executed against him personally, in the palace of Hammiltoun, on 26th November, by Robert Pattoun, messenger, before the Master of Cassillis, Claud Hamniltoun of Machlinhoill, George Esdaill, slater, burgess of Glasgu, Benjamine Lumbard, master mason to the Marquis of Hammiltoun, and it had been executed at the market cross of Drumfreis, on 29th November, by Neniane Ramsay, messenger, before Johnne Weir, messenger, Robert Cuninghame, notary, and Robert Maxwell, all burgesses there; and now (18th December), Lord Maxwell, being called, fails to appear. Holyrood-house, 18th Dec. 1599.

Decree against the Master of Herries for non-appearance to a certain charge.

34. It having been alleged to the King and Council that the Master of Hereys is obliged by contract to relieve Lord Maxwell of all answering or pledging for any of his men dwelling beneath Lochor Moss, and that the said Master should be answerable for them, letters, dated at Halyrudhous, 22nd November, and subscribed by the King and Secretary, had been directed, charging the said Master, under the pain of rebellion, to appear before the Council on 13th December, so as to remove all uncertainty on that matter. The charge had been executed on 4th December by Johnne Hutoun, messenger, in presence of Archibald Maxwell of Cowhill, Eduard Maxwell of Hillis, Johnne Maxwell of Conhaithe, Alexander Maxwell of Buittillmanis, and William Maxwell, apparent of Tynwell; and now (18th December), the said Master failing to appear, decree is given in the matter. Holyrood-house, 18th Dec. 1599.

Charge against Lord Borthwick and his two brothers.

35. King's letters, dated at Edinburgh 8th December 1599, had been executed on 10th December by Johnne Fraser, messenger, against James, Lord Borthwik (*ante*, p. 64), personally, and against William Borthwik and Johnne Borthwik, brothers of the said Lord, at the dwelling house of Borthwik Easter, and again on 11th December against the said Johnne, servitor to the Earl of Orkney, at the dwelling house of the said Earl within the palace of Halyrudhous, in presence of Raff Ker of Grenheid, James Hepburne, Andro Johnestoun, Johnne Michilsoun, Johnne Sinkler, servitor to Lord Borthwik, Andro Mertein, servitor to the Earl of Orkney, and Johnne Quhippo, baxter, burgess of Edinburgh. Fraser had also executed the charge against the said William and Johnne at the market cross of Edinburgh, 11th December, before George Pursell and Johnne Diksoun, Holyrood-house, 18th Dec. 1599.

Holyrood-house, 19th Dec. 1599.

Miscellaneous Papers. Case of Lauder of Whitsled against his brother Thomas Lauder.

36. In presence of my Lord Privy Seal, Mark Sandirsoun, Andro Lawder, William Wodderat in Lawder, Chairlis Andersoun there, Andro Mukle there, Chairlis Pringill there, George Scot there, Chairlis Murray, Johne Jolie in Lawder, and Francie Wilkiesoun there, depone anent the "persute and oppressioun alledgit committit be Thomas Lawder in Lawder upoun William Lawder of Quhytslaid, his brother," as also anent the hurting by the said Thomas of Johnne Currie.

Edinburgh, 20th Dec. 1599.

Douglas of Longniddry in the matter of an assurance subscribed to him.

37. There had been complaint by Patrik Hammiltoun of Sammelstoun and Mathew Baillie of Litilgill that they had been charged to subscribe an assurance to George Douglas of Langnidrie and to find caution for keeping thereof. They had pleaded that, the said George being at the horn at the instance of Andro Naper, and having disobeyed letters of treason for rendering his house and entry of his person in ward, and being in the daily habit of carrying hagbuts and pistolets, no assurance ought to be subscribed to him, and further that the sum of 5000 merks wherewith they were charged for keeping the assurance was "very extraordiner" for the said Matthew's part, he being a gentleman of small rent, and having his whole land laid waste by the broken men of the Borders. Having nevertheless subscribed the assurance, and found caution for the keeping thereof, they had urged that the horning against them on this account ought to be suspended. Accordingly, there were letters, dated at Edinburgh 4th December, charging the said George to answer on 20th December, and in the meantime suspending the said letters till 31st December. Alexander Bailly has executed the charge against Douglas at his house in Spitall Wester, 10th December 1599, before Henry Dick and William Trottar, gardener to Douglas, and against the Lord Treasurer, on 12th December, before Johnne Gray and Archibald Pennycuik.

Holyrood-house, 20th Dec. 1599

Charge to Thomas and William Lauder to find cautioners to one another.

38. Thomas Lauder having assaulted with a drawn sword his brother, Williame Lauder of Quhitsled, while he was going about his own house, and having afterwards pursued the complainer's servants for their lives in the burgh of Lauder, and wounded one of them, Johnne Currie, letters had been directed, of date 7th December, charging the said Thomas to answer before the Council on 13th December, and also charging Mark Sandersoun and Andro Lauder, bailies of the burgh of Lauder, William Wodderat, Charles Andersoun, Andro Mukkill, Charles Pringell, George Scott, Charles Murray, Johne Jollie, Wilkesoun, burgesses of the said burgh, to appear before the Council on the said day as witnesses in the said matter. James Hairstanis, messenger, had executed the charge against Thomas Lauder on 8th December, before Mr Patrik Forrest, Johne Merting, burgess of Edinburgh, and Thomas Gunnoquhy, messenger; and Gilbert Murray, messenger, had executed the charge against the said witnesses on 16th December, before Eduard Darling, servitor to William Lauder, Alexander Currie, and Alexander Broderstanis; and now (20th December), both parties appearing, they are ordained to find mutual caution of lawborrows,—the pursuer in £1000 and the defender in 1000 merks,—and remain in Edinburgh till they find the said caution.

Miscellaneous Papers. Robert Maxwell against Hew Montgomery of Haslehead.

39. David Maxwell in Lyanderoce, having been denounced on 28th August for non-payment to Robert Maxwell, servitor to Thomas Young, writer to the signet, of 100 merks and 10 merks for the yearly interest thereof, with £10 for expenses of plea, and 40s. of consigned silver, remains as yet unrelaxed from the horn. Now, as the said rebel is tenant of Hew Montgomerie, elder of Hesilheid, and Hew Montgomerie, younger of Hesilheid, King's letters, dated at Edinburgh 26th November 1599, had been directed charging the said Hew, elder, to enter the said rebel before the Council this day, under pain of rebellion. Arthour Hammiltoun, messenger, had executed the charge against Hew, elder, on 27th November, before Neill Montgomerie, younger of Langschaw, Hew Wallace, and Patrik Todrik, servitors to the Laird of Haltoun, Johne Hammiltoun in Wolom, and again upon 12th December 1599, before Richart Craufurd in Edinburgh and Montgomerie. 20th Dec. 1599.

Charge against Donald Urquhart.

40. The charge against Donald Urquhart, notary in Banff (*ante*, p. 64), had been executed on 1st December 1599 by Johne Sinclair, messenger, at the market cross of Banff and at his chamber there,—because he could not be personally apprehended,—before George Currour, Johne Ha . . , Alexander Ogilvy, and Alexander . . . , burgesses there. Holyrood-house, 20th Dec. 1599.

Charge against Alexander Calder and others.

41. The King's letters dated 16th August 1599 had been executed against Alexander Calder and others (*ante*, p. 64) by Thomas Esplein, messenger, before Johne Forbes of Drumaillene and Allane Couttis in Inneraritie. Holyrood-house, 20th Dec. 1599.

Charge to Lord Ochiltree and others.

42. Copy of the charge to Andro, Lord Stewart of Uchiltrie, and others (*ante*, p. 64), subscribed by the Earl of Montroiss, chancellor, and the Secretary. Edinburgh, 21st Dec. 1599.

Charge to the Earl of Cassillis and others.

43. Copy of the charge to the Earl of Cassilis and others (*ante*, p. 65), subscribed by the Earl of Montroiss, chancellor. Holyrood, 27th Dec. 1599.

Decree anent certain English pledges relieved out of the Tolbooth of Edinburgh.

44. George Wanles and Thomas Coxon of Reidisdale, Raulff Reveley, Johnne Snadoun, Percy Pott, Allane Hidlay, and Johnne Reid of Trochen, having been entered in the tolbooth of Edinburgh "for performance of thair pairtis of the lait indent set doun be the commissioneris of baith the realmes," and having been relieved out of the said ward by Patrik Home of Aytoun, Sir George Home of Weddirburne, Sir Andro Ker of Phairnihirst, and Andro, Lord Stewart of Uchiltrie,—who had become bound to re-enter the said English pledges when required, under pain of payment of the whole for which they were entered,—and the said cautioners having disobeyed the charge to enter the said pleges, letters had been directed charging them to answer in this matter before the Council on 27th December. The charge against Uchiltrie, Patrik Home, and Ker had been executed on 9th and 11th December by Gawin Fuird, messenger, before Robert Rayne, David Pott, William Hercas, James Cowane, George Home, and William Thomsoun, and the charge against Sir George Home by Johne Strauchane on 21st December, before Mr Alexander Gaittis, Johnne Fortoun, and David Nisbitt; and now (27th December), Wedderburne, appearing, is decerned to pay his part of the bills, while Ker, failing to appear, is to be denounced, Edinburgh, 27th Dec. 1599.

and 7th February next is assigned to Uchiltrie and Aytoun for the entry of their pledges. Miscellaneous Papers.

Edinburgh, 27th Dec. 1599. 45. Walter Scott of Harden having been denounced on 11th December 1598 for not paying to Sir Johnne Ker of Hirsell, as assignee to his late father, Walter Ker of Littleden, certain profits specified in a decree of removing, and the said rebel being Sir Walter Scott of Branxholme's man, and Sir James Scott of Balwerie having become bound on 21st July 1596 that all such as the said Sir Walter is liable for should be answerable to justice, there had been charge to the said rebel, dated 8th December, to appear, and to the said Sir James, as cautioner foresaid, to enter the said rebel on 27th December, in order that the said rebel might be committed to ward, and detained there till legally relieved. The charge against the Laird of Harden had been executed on 17th December by Thomas Hill, messenger, before Robert Nesbitt in Ancrum-Spittell, and others, and the charge against said Sir James Scott by James Diksoun, messenger, before Robert Scott and Lawrence Turnbull; and now (27th December), pursuer appearing personally, and the Laird of Baluery by James Scot, the Lords assoilzie the said Sir James. Sir John Hirsell against Sir James Scott.

Edinburgh, 27th Dec. 1599. 46. There had been complaint by Johnne Rannald in Strabrok that he was put to the horn by Johnne Dundas of Newlistoun for not appearing to answer a charge preferred against him by Dundas. There was good amity between the parties, so that Dundas had been willing that the complainer should be released from the horning; further, the complainer had found caution in £100 to answer; and, as for his escheat, it is disponed to James Dalzell, younger, in Edinburgh. He had therefore prayed that the said horning should be suspended; and, accordingly, letters, dated at Edinburgh 11th December, had been directed charging Dundas to answer to the said plea of suspension. The letters had been produced on 15th December by Johnne Rannald, younger, in presence of George Thownis, notary, William Mowbray in Strabrok, James Dowglas, William Hammiltoun, and Robert Ker, witnesses, and had been registered in the sheriff books of Linlythgu by A. Ker; and the charge against Dundas had been executed on 15th December at the market cross of Linlithgu by Robert Bynning, messenger, before Richard Burne in Hill, Williame Hart, merchant, burgess there, David Leslie, Johne Gardiner, merchants, burgesses there, and George Thownis, notary; and now (27th December), pursuer appearing, but not defender, the Lords do suspend the said letters of horning. John Ranald against John Dundas, craving suspension of horning.

Edinburgh, 27th Dec. 1599. 47. Copy of the Act discharging the private combat appointed to take place between Alexander Levingstoun and Mr. Johnne Kennedy (*ante* p. 65), subscribed by the Earl of Montroiss, chancellor. Discharge of a private combat.

Edinburgh, 27th Dec. 1599. 48. Copy of the charge to Johnne, Earl of Cassillis, and Alexander, Lord Levingstoun (*ante* p. 65), subscribed by the Earl of Montroiss, chancellor. Charge to the Earl of Cassillis and others.

21st Jan. 1600. 49. Deposition by Johnne Gourla, skipper in Leith, anent a pack of skins bought in Hull, in England, and put in his ship, and by Williame Deakynnis, Englishman, regarding the size of the packet taken by him out of the said ship. Depositions of John Gourlay and William Deakyn.

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Charge to the Magistrates of Dundee.

50. King's letters, dated at Haliruidhous 8th March, charging the provost and bailies of Dundie to put James Stanehous, burgess there, to liberty furth of their tolbooth, within six hours after being charged, under pain of rebellion. Holyrood-house, 8th March 1600.

Deposition of Nathaniel Johnstone.

51. Nathaniel Johnnestoun, burgess of Edinburgh, being examined as to the "forme of the brag" between the Laird of Balvaird and the Keythis, depones that he knows not what "partie drew the first swerdis," nor upon what occasion their "ryissis ane schoute in the clois." 12th March 1600.

Depositions of certain witnesses anent an "infamous pasquell."

52. In presence of the King's Majesty and Lords of Secret Council, Sir Archibald Naper of Edinbillie, being asked from whom he received the pasquil, in form of overtures, produced by him before the barons of Loutheane in their convention for the election of their commissioners, depones that he received it from Robert Naper of Blakyairdis. Alexander Fairlie of Braid depones (13th March) that, on 2nd January last, in the said convention, the Laird of Marchinstoun showed him the said overtures, and that he got a copy thereof from Williame Kynnynmonth. He was not in the chapel of Halirudhous with the barons. He denies that he got a copy from Marchinstoun. He redelivered to Kynnynmonth his copy. Holyrood-house, 12th—29th March 1600.

53. In presence of the Chancellor and Comptroller, Williame Kynnynmonth depones (13th March), that he got the "infamous pasquell" from Christopher Moncur, servant to Poury-Fotheringhame, and that, at the desire of the Laird of Craighall, he gave it to the Laird of Braid,—who, at receiving thereof, said to him he had "ane mair ample of his awne." Depones farther that, this letter having been read in Mr Henry Balfour's house, "ane servand of his, quha writis to him, gat ane copy thairof."

54. Christopher Moncur depones (16th March) that he received the said articles from Robert Watsoun, burgess of Dundee, in Margaret Gray's house in Edinburgh, the deponer having employed a boy, named Thomas Williamsoun, to copy the same. He remembers not (28th March) if the articles were subscribed by one Murdo or not; admits that he wrote a copy himself. Watsoun and the deponer being confronted as to the subscription of Murdo, deponer admits that he saw Mr. Robert Williamsoun "ryve away" the subscription; "forder denyis the geving of ony copyis except ane to Craighall and ane uthir to Foullartoun of Dynnune."

55. In presence of the Chancellor (22nd March), Watsoun depones that he was in Edinburgh the time of the late convention, and lodged in Margaret Gray's house. He got the articles from George Haliburtoun in Bacraig in the said house, they being at their "disjone for the tyme." The articles were written on "gilt paper in Romane write." He gave the articles to Cristopher Moncur to copy; aud, after receiving them back, he delivered them six weeks ago to Charlis Watsoun in Sanct Androis. The deponer has sent to Charlis Watsoun for the articles, and will deliver them to his Majesty at his coming to Dundee.—The same Watsoun depones (28th March) that the articles he produces were those which he had in

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Edinburgh, and that they were subscribed by Murdo when he lent them to Moncur. When he received these articles again, Murdo's name was torn away.—Thomas Williamesoun, servant to Johnne Williamesoun, writer, depones (Dundee, 26th March) that Moncur had employed him in copying the articles, and that he "said that the principall wes his awne handwrite." Deponer, at the desire of Moncur, wrote one copy to Cristopher himself, another to the Laird of Dinnune, and other two copies to two gentlemen whose names he knows not. Moncur gave the deponer 12d. for his own copy, and caused him get 40d. for each of the other copies. Moncur said to him that the "King had sett doun thir articles and actis at the last Conventioun."—In presence of the Chancellor and Treasurer, George Haliburtoun in Bacraig depones (29th March) that he, "being summond to Edinburgh upoun ane assise the tyme of the lait Conventioun, and haveing come doun to the Abbay, and being gangand in the utter hall besyde the chappell eftir fyve houris at evin," had found the said articles in the midst of the hall, "and, becaus he could not reid, he pat thame up and keipit thame quhill the morne at disjone tyme, and then, remembouring of the letter quhilk he had found, he takis the same oute and deliverit the same to Robert Watsoun to reid"; who, "haveing red three or four lynnis thairof," immediately "pat thame up, saying 'This concernis our new impoist'"; after which deponer "nevir hard nor saw mair of thame."

Caution for Christopher Moncur.

Montrose, 19th March 1600.

Montrose, 23rd March 1600.

56. Caution by Thomas Fotheringhame of Poury for Cristopher Moncur, his servant, that, on being freed furth of his present ward in the tolbooth of Montrois, he shall thereafter repair to the dwelling place of Williame Murray, burgess there, and remain there till relieved, under pain of £1000. Caution by Alexander Peirsoun of Wardmiln, and William Murray, burgess of Monrois, for the said Cristopher, under the pain of £1000, that he shall answer before the King and Council on 27th instant, touching the articles received by him from Robert Watsoun, burgess of Dundee, the copy of which was delivered by his direction to the Laird of Craighall. In respect of this act the preceding is discharged.

Anent the Lord of Spynie's assurance.

Holyroodhouse, 26th May 1600.

57. Act, subscribed by the Earl of Montroiss, chancellor, the Earl of Angus, and Lord Fyvie, declaring that, albeit Alexander, Lord of Spynie, has subscribed a general assurance for himself and those who took part with him in the conflict against the Master of Ogilvy, yet he will be liable only for such persons as "be the lawis of the realme" he is held answerable for.

Depositions as to combats among Scotsmen at the town of Dantzic.

Holyroodhouse, 27th June 1600.

58. In presence of the Clerk of Register and the Keeper of the Privy Seal, at his Majesty's direction, Williame Littill, burgess of Edinburgh, depones that he had seen the combat outwith the town of Danskin, at the port, between two gentlemen at three o'clock in the afternoon,—"the sone schynand on a fair day." He heard by report that James Greir and one named Bane, while "playand at the cables," fell in "cavillatioun," whereby Bayne "gevis the ley to Greir, and Greir gaif him a cuff," and that then "Capitane Ruthven tuke the protectioun of Bayne, and dischargeit Greir

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to cum in thair company, and Capitane Maxwell tuke the protectioun of Greir, quha wes deidlie woundit, and thaireftir depairtit of his lyff, throw the straik of ane swerd gevin behind his bak be Bayne." Ruthven having then said that, if any persoun would say that Greir was "unhonestlie hurt," he would "defend the contrar as a suldart," Maxwell "borrowit a sword fra ane namyit Cunynghame, and approcheit to Ruthven, and says, 'Thow sal have ane'; and Ruthven stoggit at him, and straik him ane straik at the naval and uther twa at the breist, and than said, 'Gang thy wayis, for thow hes anewch.' And the other answerit, 'I have not sa mekill as thow trowis'; and thaireftir Ruthven straik ane uther straik at him langis the ribbis, and than Maxwell approcheit neir Ruthven and straik at him with a swerd; and Ruthven havand mulis he fell on his bak and cryit. And, he beand lyand, Maxwell myntit to have strukin at Ruthven, bot strak not; and in the menetyme ane boy struke Maxwell with ane stog strak behind his bak. The name of the boy he knawis not perfytelie, bot supponis they calt him Duff—as he heiris by report—and that this Duff wes in cumpany with Ruthven bayth afoir and eftir the deid. Deponis that he knawis not that Maxwell spairit Ruthven eftir the fall, bot that, quhen Ruthven wes lyand and Maxwell myntit to have strakin him and bowand his body to that effect, in the menetyme the boy strykis Maxwell behind his bak, and sayis, 'Ryis up, maister, for he hes anewch'; quhilk the boy did without avise or command of his maister so far as the deponar knawis. Thairefter Maxwell wes carreit away be the company that wer thair present to the same Greiris hous." Deponent "knawis na mair."

Hew Crawfurd, servant to Niniane M°Morane, burgess of Edinburgh, depones that he saw the second combat beneath the Dowglas port. Depones that, after Ruthven fell, Duff and Bayne, and "ane litill Hieland man," came all three with drawn swords, "and strake at Maxwell behind his bak, for they thocht that Ruthven had bene slayne with the straik gevin be Maxwell; and in the menetyme ane callit Wallace, ane corporall, come with ane halbert and sauffit Maxwell fra straikis sa far as he mycht." Deponer cannot tell how Maxwell was hurt behind his back, because deponer "gaif attendance upoun the twa principall pairties"; but "Maxwell, efter his hurtis and combat, past away on his fiete to the port quhair this deponar left him, and thaireftir Ruthven past incontinent to the girth,"—as did also Bayne, Duff, and the Highland man.—James Inglis, merchant, burgess of Edinburgh, Johnne Hendersoun, burgess there, Nicoll Forsyith, burgess there, and Williame Mathesoun, burgess there, also depone in the same matter. Holyrood-house, 16th Dec. 1600.

Depositions of Mr Henry Blyth, minister in the Canongate, and others, anent alleged popish practices in Niddry, and reset of papists in the Cowgate.

59. "In presence of the Kingis Majestie and Lordis of his Secreit Counsaill, Mr Henry Blyith, minister in the Cannogait, sworne and exammat quha wes the informairs of him that thair wes mes said in Edinburgh, deponis that, upoun Furisday wes aucht dayis at evin, betuix four and fyve eftir none, the deponer being at his studie, George Jaksoun, taillior, come to him, and, desyring to speik with the deponer, he begynnis to regreat his present conditioun and the evill company he

wes amangis, and, the deponer demanding the particularis quhat moved him, the said George tauld him first the exercise he hard in Nudrie the time of the vacance,—for Margaret Foster confessit to him that she had washine the mes claythis, and that the man that sayd the mes wes of red visage and cled in gray claythis. And deponis forder that the said George Jaksoun affermed that Laurence Miller sayd to him and braggit that he had bene at a precheing that Mr Robert Bruce ~~could not make the lyke of~~, controll it nor speik aganis it. And the said George tauld the deponer that Mr Johnne Hammiltoun wes ressett and intertenyit in a chalmer in the Presidentis hous in the Cowgait aucht dayis, and convoyed away upoun a day airlie in the morning, bot he rememberit not of the day nor of the personis that careyed him away, and that the tyme that he was thair he used to gang to the gallerie with sic as pleisit to accompany him; and that the said George Jaksoun tauld the deponer that Andro Young and Bessie Halkett wer suspect to have bene present at the mes in the Presidentis hous: M. HENRY BLYTHE.

George Jaksoun, taillour, sometyme servand to the Lady Seytoun,—sworne and demandit of the conference quhilk he had with Mr Henry Blyth and of the tyme thairof,—deponis that, ten dayis syne or thairby, he come to Mr Henryis housis unsend for, aboute fyve houris at evin, and that he began to regreat the evill company he wes in, and tauld Mr. Henry that thair resortit some suspect personis to Nudrie, and that he saw ane man thair in the vacance cled in gray claithis quha wes keipit quyet,—quhilk moved the deponer to think and consait that he wes a papist. And, being demandit gif ony man tauld him that he wes a papist, deponis that nane tauld him, and that the suspect man wes a litle man, reid-faceit, and abone fiftie yeiris of age, and that it wes about the midis of the vacance that the deponer saw him, and that he wald remane about aucht dayis at anes in that place. Deponis alsua that at that same tyme, Laurence Miller and the deponer being in conference in the hall of Nudrie, the said Laurence tauld him that within thir few dayis he hard a preicheing quhilk Mr Robert Bruce could not controill, and that thair wes about saxtene personis at that preicheing. Deponis alsua that Margaret Foster tauld the deponer that she had washin a lang claith with some letters in it lyke JESUS or CHRIST, and that he wes convoying the woman on horsbak to this toun quhen she tauld him this mater. Demandit quhat he had sene in this toun sen thair heircomeing, deponis that thair wer some men keipit quiet in a chalmer in the Presidentis house, and that he saw ane of thame, bot knawis not quhat he wes; and, being demandit gif he wes Mr Johnne Hammiltoun or the man he saw in Nudrie, deponis he knawis not, and that the man wes servit in thair chalmer be James Tarbett and Andro Young, and that he knawis na mair of this mater. Deponis alsua that na man tauld him then the man quhome he saw wes Mr Johnne Hammiltoun.

Laurence Miller, servand to the Lady Setoun, sworn and demandit gif evir he hard Mr Robert Bruce preich, grantis the same. Demandit gif he

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had tauld to a man in the hall of Nudrie that he had hard a preicheing, quhairat xvi personis were present, quhilk Mr Robert Bruce could not controill, denyis the speiking of ony sic mater. The said Laurence being confronte with George Jaksoun upoun the saidis speicheis, the said Laurence abydis be his formair depositioun, and that he onlie said that he had hard Mr Petir Wat mak a exercise quhilk Mr Robert Bruce could not mend. Being demandit gif he had bene desyrit be the Lady Seytoun, the Prisident, or ony utheris to cullour this mater, or to deny the same, deponis be his grite aith that thair wes na sic mater layed to his charge be thame, bot that he wes onlie desyrit to tell his Majestie the treuth in sic materis as he sould demand of him; and forder declaris be his aith that he nevir hard nor saw a mes, nor nevir saw a preist quhome he knew be ane uther man, and that he is a professour of the new religioun presentlie professit.

James Tarbett, mariner, servand to the Lady Setoun, sworne and demandit gif he knawis Mr Johnne Hammiltoun, deponis be his grit aith that he knawis him not, and that he nevir saw ony appeirance of papistis nor na suspect personis in the Lady Setonis hous, and that he nevir careyed ony meit to thame in the Ladyis hous. Being confrontit with George Jaksoun anent the carying of meit to suspect or hid personis in the Ladyis house, abydis be his former depositioun, and that he nevir careyit ony meit bot to my Ladyis awne chalmer and to hir selff and hir wemen.

Andro Young, servand to the Lady Setoun, sworne and demandit gif he knawis Mr Johnne Hamiltoun, bruther to the gudman of Preistisfeild, deponis that he knawis him not, and forder be his aith deponit that he nevir careyit ony meit to ony unavowable personis in the said Ladyis hous: MONTROISS, Cancellarius.

The said George Jaksoun, being re-exammit, deponis that he said to Alexander Inglis, upoun Sonday at evin last, that he had not spokin with Mr. Henry Blyith sen midsommer last."

Deposition anent certain contemptuous speeches uttered against his Majesty by James Forman in Edinburgh.

60. "The quhilk day, in presence of the Kingis Majestie, the Commendatar of Halyruidhous, Mr William Leslie of Civilie, Johnne Grahame of Balgowne, Mr George Bothuell, broder to the said Commendatar, and William Sandilandis, his servitour, sworne and examinat in the contumelious and vyle speiches utterit aganis his Majestie be James Foirman in Edinburgh:—First, they depone, all in ane voice, that James Foirman enterit in the Quenis chalmer, hir Majestie and my Lord Chancellar being speiking togither, and schew hir Majestie that he had bene making sute to the Comptrollar, quhomof he had ressavit ane verrie hard ansuer, bidding him do for himself, and he sould do in the contrair quhat he could. And he affermet that he ressavit onlie that hard ansuer of him sen he and the remanent burgesses sutit hir Majestie thairintil. Secundlie, the said James said that, gif he had ane actioun ado aganis any subject, he had be his awne moyan obtenit ane suspensioun, bot, notwithstanding he had sutit hir Majestie, he could not obteane ane suspensioun be hir moyan. Thridlie, deponis that he sayd that he wald not wische my Lord Chan- Linlithgow, 15th March 1601.

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cellare to tyne the towne of Edinburgh,—for we ar a communitie, and, gif we be strampit on, we will schute out our hornis, and they wald mak snaillis of us. Ferdlie, deponis that my Lord Chancellare and the said James enterit in sum speiches, concerning the condiscending to the new impoist of the wyne. My Lord Chancellare sayd it wes a thing aggreit upoun be the Estaitis, the Counsall, and be thair awne consentis, and the haill Counsall laitlie, without a contrair voce, had refusit thair suspensioun. Quhairunto the said James ansuerit that thair wes of thair brethrene of the burrowis cum four scoir myles of to have had that mater menit and helpit at the Conventioun, and, quhen our bill wes gevin in to be red, it wes ansuerit us that, quhen his Majesties turnis wer done concerning the taxatioun, thair bill sould have ane ansuer, and efter the taxatioun wes grantit the Conventioun wes cloisit up, and our bill cassin in non-entrie. Fyftlie, deponis that the said James, in presence of hir Majestie, sayd that the new impoist and the devyseris thairof had wrocht it onlie to that end to gar his Majestie tyne the hertis of the people,—quhilk neidit not, for it is evill yneuch ellis. Lastlie, deponis that the said James fell out in sum speitches anent the horning, [and] sayd,—Seing we ar put to the horne, let Sir Davie Murray cum and tak up my escheat, and he sall have me and it baith."—Deposition signed by the witnesses.

Holyrood-house, 29th April 1600.

Deposition of certain witnesses to a combat.

61. In presence of the Chancellor, the Earl of Orknay, Lord Ochiltrie, and Laird of Spott, Johnne Sprott in Edinburgh, Alexander Johnnestoun, servant to James Davidsoun, flesher, burgess of Edinburgh, Williame Manuell, servant to Stevin Reid in Sanct Leonardis, and Robert Moncreiff, tailor, servant to the Chancellor, have been examined in regard to the form and manner of a combat which fell out between Robert Auchmowtie and the late James Wauchop on St Leonard's Hill, whereby the latter was slain. James Prymrois subscribes for Manuell and Moncreiff.

Edinburgh, 1st May 1601.

Proposal by Thomas Foullis to disclose to his Majesty conditionally a certain profitable invention.

62. Thomas Fowlles offers to "find out ane overtour to his Majestie that salbe na prejudice to na man justlie, na hinder to his Majesties Officiares of Estait,—to wit, the thesaurar, comptrollar, nor collectour: all men sall frilie aggrie thairwith, and sall hurt nor prejudge na man, etc. For his ingyne and travellis he craveis onelie ane xi yeiris tak thairof, with suretie as he sall devyse for keiping his takis to him. Within the quhilk space he sall releif his Majesties creditouris of nyne scoir thousand libs., the Laird of Wedderburnes xii^{m} libs.—Robert Jowsies and Thomas Fowlles vi^{xx} thousand libs. being first appoyntit to be peyit and satisfeit, the rest to staik creditouris and dettouris his Majestie sall assigne, etc. And at the ysche of the said xi yeiris tak it salbe worth in yeirlie rent to his Majestie the sowme of xx^{m} libs. Befoir all, that the conditiones promittit to the Laird of Wedderburne be the present Comptrollor be satisfeit to Johnne Arnott and Archibald Johnnestoun for the wynes that were takin to his Majesties house." The Lords of Secret Council assign the 15th instant to the said Thomas "for ressaving and heiring of the securiteis quhilkis he sall gif in" anent the overture abovewritten.

Miscellaneous Papers. Deposition of William Creichton respecting a theft from the Chancellor's house.

63. In presence of the Chancellor, Treasurer, Comptroller, and the Laird of Spott, Williame Creichtoun depones that he got, between Martinmas and Yule last, from Robert Hanna and Johnne M^cIlrow, a cloak, two doublets, a coat, a bow, four arrows, and a pair of silk shanks, for which he gave them £16. Depones that one Forbes came to him and told that the Chancellor's house had been broken into and some gilt silver taken out, that Hanna and M^cIlrow were reported to be the housebreakers, and that the deponer should beware of them, as they "had causit ane be hangit alreddy." Deponer told Forbes what clothes he had gotten from the said persons, and Forbes answered, "It may weill be that the same wes the stollen claithis." Farther, the deponer received from Hanna and M^cIlrow eleven £5 pieces. They had been in the said house the night before, and desired him to enter with them that night again. He came with them about 10 o'clock at night; did not enter with them, but waited in the close till they came out. They got that night only £45 pieces, whereof he received his part. He knows not Willie Forres, had no dealing with him, saw not M^cIlro since eight days after the delivery of the gear to him, delivered a satin doublet and a pair of silk shanks to Watty Stewart for £30, and lent to Alexander Oliphant 80 merks. Holyrood-house, 5th May 1601.

Acquittance to James Primrose.

64. Acquittance granted by William Hay of Lumplum to James Prymrois, writer, for the sum of £15 consigned in the hands of Prymrois for suspension of the charge executed against Hay by James, Lord Hay of Yester, in the matter of two taxations (*ante*, p. 690). Edinburgh, 15th July 1601.

Deposition anent the Earl Moray.

65. Hew Methven at Methven's Coble depones that, about midsummer last, the Earl of Murray came over the water in his coble, accompanied only by six horsemen, and "ane led hors with tua or three boyis." He believes "he saw thir boyis haveing twa steil-bonnettis caryit with thame in twa little wallattis, and that nane of the company had jakkis, nather saw he ony hacquebatis or pistollettis in thair company." He remembers no other horsemen coming over the water that day. Falkland, 13th Aug. 1601.

Deposition in the matter of the assault on Alexander Bruce by Robert Hamilton.

66. In presence of my Lords Chancellor, Treasurer, and Comptroller, Alexander Bruce, brother of Robert Bruce of Bynnie, being examined anent the "trouble" between him and Robert Hammiltoun of Inchmachane, depones that, he "being in my Lord Advocatis chalmer and comeing doun the stair accompanyed with George Muirheid," the said George Muirheid "persavis Robert Hammiltoun of Inchemachane gangand at the Advocatis clois heid, and desyrit the deponer to gang away for eshewing of trouble; and, the deponer being gangand away, the said Robert Hammiltoun followis him, and, or he wes wer of him, turning aboute his heid, becaus he hard some dyn, the said Robert immediatlie strykis him with a drawne swerd upoun the face" (*ante*, pp. 318, 321). Edinburgh, 5th Dec. 1601.

Caution for Grant of Freuchy.

67. Caution by William Murray, apparent of Tullibardin, for Johnne Grant of Freuchy, in 3000 merks, that he will appear before the King and Lords of Secret Council upon 6th November next, and that he will remain in Edinburgh till he find new caution for his personal compearance thereafter whenever charged. Edinburgh, 20th July 1602.

Holyroodhouse, 30th Dec. 1602.

Miscellaneous Papers. Letter to his Majesty from Alexander Stewart, anent Mr Alexander Lockhart.

68. "Pleis your Majestie: The caus that muffit me to hurt Mr Alexander Lokart was,—I beyng at your Majesties dur, the preis of the pipill thrust me halff in, and the said Mr Alexander put bak the dur on my faice and hurt me, and I thocht he had done it apoun sum partycular evill will, allbeit I durst nocht declair the samin to your Majestie for feir off my lyff; bot now, beyng vesseit be God with seiknes, his spreit hes muffit me to declair the treuthe to your Majestie, quharoff I mast humlie craiff your Majesties pardone and forgiffence for Godis caus; and I sall satisfie the party in all thingis that lyis in my power and possabilitie: and this I verifie be this my handwrett, subscrivit with my hand at Allantoun the xxvii off December 1602, affoir thir witnessis,—James Stewart, my father, James Stewart, my brother, and Robert Denholme off Wast Scheill, younger: ALEXANDER STEWART. James Stewart of Allantoun, witness. James Stewart, younger, witness. Robert Denholme of West Scheill, younger, witness.—This letter was presentit to his Majestie and Counsall be Jhonne Baillie."

Holyroodhouse, 4th Aug. 1603.

Dispensation for a time to Archibald Dalzell from the process of horning under which he lies, in consideration of his activity against the Clan Gregor.

69. Petition as follows:—"My Lordis of Secreit Consell. Unto your Lordshipis humilie menis and schawis I, your servitour, Archibald Dalzell, sone lauchfull to Robert Dalzell of that Ilk, that quhair upoun sum misreportis maid be Nicoll Dalzell of Dalzellismilne and sum utheris personeis, all his partakeris, for nocht comperance befoir our Soverane Lord and your Lordshipis, I wes denunceit rebell and put to the horne, and in sa heich degrie I incurrit his Majesties displesour that I wes forceit to seik sum extraordiner remeid to obtene his Hienes benevolence; and conforme thairto I adventourit my persoun and has tane and apprehendit ~~twa~~ ane of the speciall of the name of M^cGregor, callit Neill MakGregor Pudyerois, quha wes deliverit in roll to my Lord Chancellor be his Majestie. Quha, being thair kin, freindis and assisteris, dailie and continewallie seikis and lyis await for my slauchter, and hes dyveris tymes practesit to carrie thair intentioun to executioun. And I on the uther part, being our Soverane Lordis rebell, dar nocht hant nor frequent within na part quhair ony of our Soverane Lordis shereffis, stewartis, baillies of regaliteis or ryaltie, provest or baillies of burrowis, ministeris or judges of lawis, or our Soverane Lordis messingeris, hantis or frequentis, for feir of apprehensioun; nether yit will our Soverane Lordis leiges grant me harbrie, meit and drink, bot denyis the samyn to me. And, albeit I be reddie to delyver the saidis ~~twa persons of the name of~~ Neil M^cGregour to our Soverane Lordis Justice to be execute according to thair demerite, and that I be of mynd to follow furth and persew the rest of that clan and famelie, and to bring ma of thame to his Hienes justice, as also be willing to satisfie the said Nicoll Dalzell and all utheris harmeit be me, according to your Lordships modificationis, at the leist be ony twa of your Lordships chosin be my parteis adversaris, yit nevirtheles nether dar I compeir befoir your Lordshipis to produce the said Neill M^cGregor, nether dar I prosequte and follow furth my intendit purpois aganes the name of M^cGregor and rest of that clan, nor yit will the shereffis, stewartis, and utheris judges of law foirsaidis suffer me to that

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effect, nether als will our Soverane Lordis leiges [? grant me] herbrie, gif me meit and drink (upoun my ressonabell expenssis), nor intercommoun with me without your Lordshipis licence. Heirfoir I beseik your Lordshipis that I may haif licence to compeir befoir your Lordshipis to produce the said M°Gregor, and that your Lordshipis will discharge all ministeris of law within this realme of trubilling me, and gif licence to our Soverane Lordis leiges to grant me meit, drink, and harbrie (upoun my ressonabell expenssis), and to intercommune with me, notwithstanding of my horning, and that your Lordshipis will dispense thairwith quhill ane certane day that your Lordshipis may understand his Majesties mynd in this behalff, and that letters of publicatioun may be direct heirupoun. And your Lordshipis ansuer humilie I beseik."—[Indorsed] "*Fiat ut petitur*, and that to the twentie day of November nixt to cum; that in the meanetyme this complener find sufficient cautioun under the pane of ane thousand merkis for his guid behaviour in tyme cuming; and superceidis all executioun of hornyng in the meane tyme."—The deliverance is subscribed by the Earl of Montroiss, chancellor, Elphinstoun, J. Cokburne, Sir Thomas Hamilton, the Clerk of Register, Johne Prestoun, Cranstoun-Riddell, and Trakquair.

Caution for Archibald Dalzell.

70. Caution by Gavin Dalzell, merchant, bailie of Perth, for Archibald Dalzell, son of the Laird of Dalzell, in 1000 merks, till 20th November next, that he will "forbeir alluterlie all his former maisterfull and inordinat proceedingis," and indemnify Nicoll Dalzell, and Michaell and Johne Dalzellis, his brothers, for skaiths done to them by him. The band, written by David Chalmer, notary in Perth, is subscribed at Perth 10th August, before Henry Elder, common clerk of Perth, David Flemying, burgess there, and the said writer hereof. 10th Aug. 1603.

Act in favour of the Provost of Lincluden.

71. Warrant, dated in August 1603, and subscribed by the Earl of Montroiss, chancellor, Elphinstoun, and Trakquair, relieving Dowglas, Provost of Linclowden, out of his ward in his lodging, wherein he had been commanded to remain during "our will and plesour." August 1603.

Caution for Archibald Dalzell.

72. Caution by Robert Dalzell, younger of that Ilk, and Gawin Dalzell, merchant, bailie of Perth, for Archibald Dalzell, brother of the said Robert, 1000 merks, that he will not harm Nycoll Dalzell of Dalzellismylne, Katharine Wod, his spouse, or Michaell and Johne Dalzellis, his brothers. The band, registered by , and written by Patrik Brusone, writer in Perth, is subscribed at Perth and Eliok, 1st and 6th September, before Johne Andersone, saddler, Henrie Elder, notary, and clerk of Perth, said Brusone, Robert Nisbit, Mr William Dalzell, Robert Dalzell, son of Robert Dalzell, younger of that Ilk, Gawin Dalzell, son of the said Dalzell, and Johne Foik, servitor to Robert Dalzell, younger of that Ilk. 1st and 6th Sept. 1603.

Caution for the Marquis of Huntly.

73. Caution by George, Marquis of Huntley, as principal, and by Johne Gordoun of Petlurg, William Gordoune of Geicht, and Johne Gordoun of Carneborrow, in 4000 merks, that the said principal shall appear before the Council on 10th April next, and at that time find the Lairds of Finletter, Phillorth, Drum, Grant, Bamf, younger, the Master of Forbes, or Edinburgh, 22nd Feb. 1604.

any two of them, sureties, to answer when required to such things as shall be laid to his charge, or shall touch his Majesty's service. Miscellaneous Papers.

Edinburgh, 22nd Feb. 1604. 74. Archibald, Earl of Argyle, binds and obliges himself to appear before the Council on 10th April next, under the pain of 10,000 merks, and then to find caution to the effect foresaid, under the pain of 4000 merks. He consents to the registration hereof in the Books of Council. If he cannot find the said caution on 10th April, he will remain in Edinburgh till he satisfy the Council in the matter. Band for the Earl of Argyle.

Edinburgh, 24th Feb. 1604. 75. Caution in 2000 merks by Johnne Gordoun of Carnburrow, as principal, and Johnne Kynnaird, apparent of that Ilk, and Williame Strauchane of Glenkindie, as sureties, to the same effect.

Feb. 1604. 76. Warrant of the Council, subscribed by Lord Fyvie, commanding James Prymrois, clerk, to receive George, Marquis of Huntley, as cautioner for William Gordoun of Geycht, for the indemnity of the Laird of Boquhollie, and to receive William Chalmer of Drumlethie as surety for the same William Gordoun of Gicht, for his compearance before the Council conform to the act made thereanent. Cantion for Gordon of Gight.

Edinburgh, 1st March 1604. 77. Caution in 2000 merks by William Chalmer of Drumlethie for William Gordoun of Gicht to the effect foresaid. The band, registered and written by Mr Alexander Cumyng, advocate, is subscribed at Edinburgh, 22nd February, before David Gardin of Lattoun, George Lindsaye, and J. Guthrye of Kinblamonth. Band for Gordon of Gight.

1601–1604. 78. Charge, under the sign manual, and countersigned by the Duke of Lenox, Earl of Montrose, chancellor, Lord Uchiltrie, Sir George Houme, treasurer, and Sir David Murray, comptroller, to the persons following to appear in the tolbooth of Edinburgh on 26th November instant, under pain of rebellion, "to pas upoun the assise of the personis to be enterit this day upoun pannell,"—viz., Sir George Home of Wedderburne, Sir Alexander Home of Manderstoun, George Home, his son, Patrik Home of Polwart, Johnne Home of Huttounhall, Mr. James Home, brother of the Laird of Weddirburne, the Laird of Aytoun, David Home of Rollanestouu, Johnne Home of Northberuick, Gawin Home, his brother, Philp Nesbitt of that Ilk, Johnne Ellem of Buttirdane, Johnne Haitlie of Mellestanes, Robert Edyair of Weddirlie, George Trotter of Prentounnane, Alexander Home in Haliburtoun, Robert Ramsay of Wyliecleuch, Williame Cokburne of that Ilk, William Cokburne of Chouslie, James Cokburne of Scarla. . . . Summons to certain persons as assizers.

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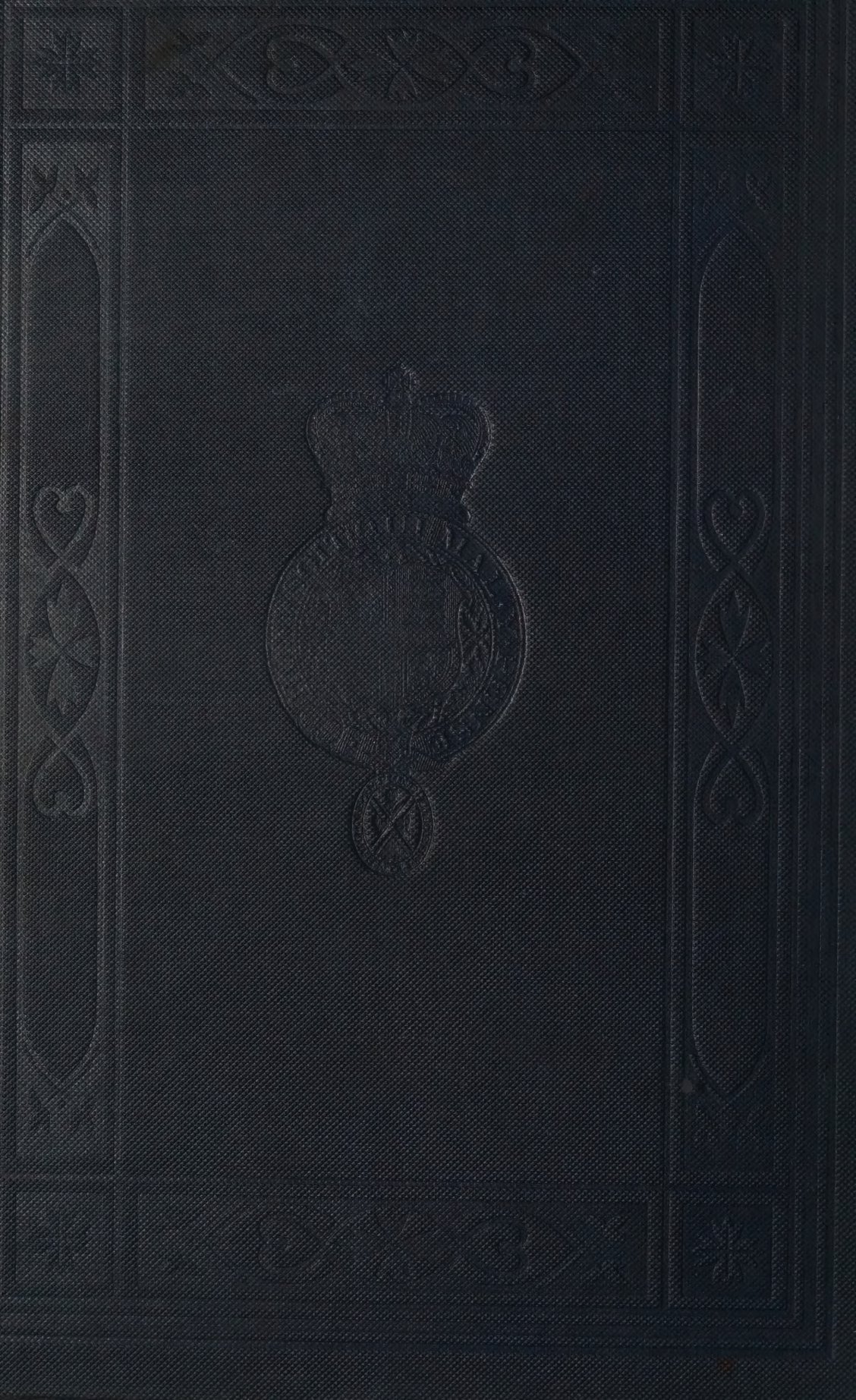
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